

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 7, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## MINORITY VIEWS—HORTON AGAINST BUTLER.

Mr. BOWIE. Mr. Speaker, I have the minority views in the case of Horton against Butler. The time for filing the views was out on Monday, but the House was in session but a few moments on Monday and on Tuesday, and for that reason I ask unanimous consent to be permitted to file the views of the minority to-day.

The SPEAKER. The gentleman from Alabama asks unanimous consent to file the views of the minority in the case, the title of which the Clerk will report.

The Clerk read as follows:

Horton against Butler.

The SPEAKER. Without objection, the views of the minority will be filed and referred to the Committee of the Whole House.

There was no objection, and it was so ordered.

## PROTECTION OF CITIES AND TOWNS IN THE INDIAN TERRITORY.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the House bill 53 for the purpose of concurring in the Senate amendment.

The SPEAKER. The gentleman from Texas calls up the following House bill, with Senate amendment.

The Clerk read as follows:

A bill (H. R. 53) for the protection of cities and towns in the Indian Territory, and for other purposes.

With a Senate amendment, which was read, as follows:

Strike out all after the enacting clause and insert:

"That any incorporated city or town in the Indian Territory having a population of 2,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of schoolhouses; such bonds not to exceed an amount the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation; that before such bonds shall be issued the same shall be authorized by a two-thirds majority of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *Provided*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, that all the requirements of this section have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be: *Provided, however*, That before any election shall be held for the purposes herein named a census shall be taken and the population of said municipality ascertained by some suitable person, or persons, appointed for that purpose by the said judge of the district court, who shall make a sworn return to said judge showing the number of inhabitants thereof, and that the judgment or decree shall set forth the population and taxable wealth of the municipality, and said order or decree shall be printed on said bond and made a part thereof and shall be final and conclusive against said municipality in any litigation on said bonds.

"SEC. 2. That such bonds shall contain all necessary and usual provisions expressing the contract, shall be signed by the mayor and countersigned by the treasurer of such municipality, who shall keep a proper record of such bonds. Said bonds shall not bear a rate of interest exceeding 5 per cent per annum, payable semiannually, and none of said bonds shall be sold at less than their par value.

"SEC. 3. That any municipality incurring any indebtedness for the purposes provided for in this act shall, by ordinance which shall be irrevocable, provide for the collection of an annual tax sufficient to pay the interest on such bonds as the same falls due, and also to pay and discharge the principal thereof within twenty years from the date of contracting the same: *Provided*, That if any municipality shall have the authority under any special act to issue its bonds, the amount of the bonds issued under the special act shall be first deducted, and there shall only be issued under this act such additional bonds as shall not exceed the limit provided in this act."

Mr. STEPHENS of Texas. I move to concur in the Senate amendment.

Mr. PAYNE. I would like to ask the gentleman to what Territory this bill refers?

Mr. STEPHENS of Texas. The Indian Territory.

Mr. PAYNE. I see there is a general provision for issuing bonds. I could not observe where it is confined to by the reading.

Mr. STEPHENS of Texas. It relates to the Indian Territory alone in its general provisions. The bill passed the House early in the session and went to the Senate and was there amended. The only difference in the House and Senate bill is this: The House bill provided that incorporated towns and cities of 1,000 inhabitants might have the right to issue these bonds under the rules prescribed in the bill. The Senate raised the limit to 2,000 inhabitants. That is the only change.

Mr. PAYNE. What is the limit as to the amount of bonds?

Mr. STEPHENS of Texas. I think the amount of the limitation in the present bill is placed at 5 per cent.

The SPEAKER. The question is on agreeing to the motion.

The question was taken, and the motion to concur was agreed to.

## PUBLIC PRINTING AND BINDING.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, May 3, 1902.

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4872) to amend an act entitled, "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895.

## LOST BILL.

The SPEAKER laid before the House the following resolution; which was read, considered, and agreed to:

*Ordered*, That the Senate be requested to furnish the House of Representatives a duplicate copy of the bill (S. 4264) providing that the statutes of limitation of the several States shall apply as a defense to action brought in any court for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians, the same having been lost.

## ALLOTMENT OF LANDS OF THE LAC COURTE OREILLE RESERVATION, WIS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10698.

The bill was read, as follows:

A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille Reservation, in the State of Wisconsin.

*Be it enacted, etc.*, SECTION 1. That with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille Reservation, in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment not exceeding 80 acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi concluded September 30, 1854.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is impossible to hear. I think I will have to object unless some very good reason shall be given for this unanimous consent. It looks like a very important bill to take up at this hour.

Mr. BROWN. I will say for the information of the gentleman that this provides an additional allotment of land to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin. There have been previous allotments on the Lac Courte Oreille Reservation to 702 Indians, covering 49,040 acres. The timber has been removed from the land which we propose to allot, and it is desired by the Indians interested; also by the agent in charge. It is also recommended by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. RICHARDSON of Tennessee. I would like to ask how much land is involved in this bill.

Mr. CURTIS. If the gentleman will permit me, I will say that there are about 20,000 acres in one reservation and about 30,000 in the other reservation.

Mr. RICHARDSON of Tennessee. I think that is too large a bill to consider under unanimous consent, and I will object.

The SPEAKER. The gentleman from Tennessee objects.

## GRANT OF CERTAIN LANDS TO IDAHO.

Mr. GLENN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3800) to grant certain lands to the State of Idaho.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from New York.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

S. 1988. An act to ratify an agreement with the Indians of the Klamath Indian Reservation in Oregon, and making appropriations to carry the same into effect;

S. 136. An act for the relief of Mrs. Martha E. West;

S. 92. An act for the relief of Howard Lodge, No. 13, I. O. O. F., of Gallatin, Tenn.;

S. 111. An act for the relief of William J. Smith and D. M. Wisdom;

S. 1874. An act for the relief of Frank F. Flournoy;

S. 576. An act for the relief of Mrs. P. J. Getty, administratrix;

S. 5460. An act to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims;

S. 4769. An act to fix the fees of jurors in the United States courts;

S. 3237. An act to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc.;

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander Goodwin;

S. 2376. An act to fix the time of holding the circuit and district courts for the southern district of West Virginia;

S. 4408. An act to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901;

S. 2992. An act to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation to carry the same into effect;

S. 4982. An act granting an increase of pension to John Fler;

S. 4727. An act granting an increase of pension to Isaac Rhodes;

S. 2697. An act granting an increase of pension to Sarah F. Baldwin;

S. 5306. An act granting an increase of pension to Clayton P. Van Houten;

S. 4710. An act granting a pension to Anna May Hogan;

S. 5303. An act granting an increase of pension to Stanley M. Casper;

S. 712. An act granting a pension to John Housiaux;

S. 3888. An act granting a pension to Jesse H. Hubbard;

S. 5424. An act granting an increase of pension to Cynthia J. Shattuck;

S. 5106. An act granting an increase of pension to Horace L. Richardson;

S. 4790. An act directing payment of pension to Stephen A. Seavey;

S. 1184. An act granting a pension to Mary Florence Von Steinwehr;

S. 1471. An act for the relief of Henry G. Rogers;

S. 5080. An act granting a pension to Hester J. Farnsworth;

S. 4240. An act granting a pension to Calvin N. Perkins;

S. 1458. An act granting an increase of pension to Linda W. Slaughter;

S. 4712. An act granting an increase of pension to Eliphalet Noyes;

S. 5202. An act granting an increase of pension to Jennie M. Wagner;

S. 4415. An act granting an increase of pension to Vesta A. Brown;

S. 2168. An act granting an increase of pension to Charles O. Baldwin;

S. 921. An act granting an increase of pension to Joanna Rogers;

S. 5402. An act granting an increase of pension to Hiram H. Thomas;

S. 5534. An act granting an increase of pension to Abbie C. Bremner;

S. 5302. An act granting an increase of pension to John H. Everitt;

S. 2056. An act granting an increase of pension to David J. Newman;

S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;

S. 1614. An act granting an increase of pension to Nelson W. Carlton;

S. 5052. An act granting an increase of pension to Gilbert Barkalow;

S. 2863. An act granting an increase of pension to Mary L. Purington;

S. 3551. An act granting an increase of pension to John P. Collier;

S. 5371. An act granting an increase of pension to Jonathan O. Thompson;

S. 2457. An act granting an increase of pension to Warren Y. Merchant;

S. 5118. An act granting an increase of pension to Adam Stuber;

S. 896. An act granting an increase of pension to James E. McNair;

S. 2646. An act granting a pension to Justus L. Denton; and

S. 5119. An act granting an increase of pension to Samuel S. Walch.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12239. An act granting an increase of pension to Agnes Clark;

H. R. 2436. An act granting an increase of pension to James W. Roath;

H. R. 7840. An act granting an increase of pension to Oliver Kerr;

H. R. 8351. An act granting a pension to Matthew V. Ellis;

H. R. 3277. An act granting a pension to Frances J. Abercrombie;

H. R. 2129. An act granting an increase of pension to Warren W. H. Lawrence;

H. R. 5183. An act granting an increase of pension to William Holdridge;

H. R. 12552. An act granting a pension to Erwin A. Burke;

H. R. 5190. An act granting an increase of pension to Alvin J. Hartzell;

H. R. 13416. An act granting an increase of pension to Isabella H. Thompson;

H. R. 13093. An act granting a pension to Eliza A. Brownlow;

H. R. 6441. An act granting an increase of pension to William H. Wood;

H. R. 11662. An act granting an increase of pension to Albion P. Stiles;

H. R. 6645. An act granting an increase of pension to Ann E. Austin;

H. R. 12788. An act granting a pension to Elizabeth McDonald;

H. R. 6434. An act granting a pension to Mary J. Fitch;

H. R. 12015. An act granting an increase of pension to Edgar T. Daniels;

H. R. 12713. An act granting an increase of pension to Bernard McCormick;

H. R. 13439. An act granting an increase of pension to William Blanchard;

H. R. 1681. An act granting an increase of pension to Erma G. Harvey;

H. R. 5600. An act granting an increase of pension to John G. Sanders;

H. R. 11783. An act granting an increase of pension to Charles M. Montgomery;

H. R. 11665. An act granting an increase of pension to Caleb C. Briggs;

H. R. 10496. An act granting an increase of pension to James T. Steele;

H. R. 8788. An act granting an increase of pension to Jacob Weidel;

H. R. 11117. An act granting an increase of pension to William T. Hamilton;

H. R. 5217. An act granting an increase of pension to Elizabeth P. Sigfried;

H. R. 11181. An act granting a pension to Alice D. H. Krause;

H. R. 2486. An act granting an increase of pension to William Matthews;

H. R. 12899. An act granting an increase of pension to William H. Rightmire;

H. R. 11920. An act granting an increase of pension to George W. Wertz;

H. R. 12145. An act granting an increase of pension to Caleb W. Story;

H. R. 4993. An act granting a pension to Mary Shelton Huston;

H. R. 3756. An act granting an increase of pension to James C. G. Smith;

H. R. 10122. An act granting an increase of pension to John S. Burket;

H. R. 1479. An act granting an increase of pension to Michael Marnane;

H. R. 8016. An act granting an increase of pension to Hannibal C. St. Clair;

H. R. 10396. An act granting an increase of pension to Elvin A. Esty;

H. R. 8913. An act granting an increase of pension to Rachel S. Lyman;

H. R. 12855. An act granting an increase of pension to Milton Brown;

H. R. 9819. An act granting an increase of pension to Robert A. Pinn;

H. R. 13076. An act to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii;

H. R. 13288. An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.;

H. J. Res. 189. Joint resolution making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington;

H. R. 2316. An act to correct the military record of Albert Baker;

H. R. 11695. An act granting an increase of pension to George W. Hatton;

H. R. 12576. An act granting an increase of pension to Thomas Wells;

H. R. 9156. An act granting an increase of pension to Uriah Garber;

H. R. 1330. An act granting an increase of pension to Mary Tate;

H. R. 5110. An act granting an increase of pension to William H. Dixon;

H. R. 7901. An act granting a pension to Dewitt Clinton Letts;



H. R. 4622. An act granting a pension to Frank W. Lynn;  
 H. R. 11787. An act granting a pension to John J. Manner;  
 H. R. 11051. An act granting an increase of pension to Henry E. Williams;  
 H. R. 9656. An act granting an increase of pension to Lunsford Y. Bailey;  
 H. R. 11894. An act granting a pension to Hannah A. Timmons;  
 H. R. 7507. An act granting an increase of pension to James M. Ashley;  
 H. R. 7982. An act granting an increase of pension to William T. Peterson;  
 H. R. 11325. An act granting an increase of pension to James Merrick; and  
 H. R. 9777. An act granting an increase of pension to Helen F. Lasher.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 8007. An act granting an increase of pension to James W. Lewis;

H. R. 5096. An act to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;

H. R. 11850. An act granting an increase of pension to Susan A. Volkmar;

H. R. 12148. An act granting an increase of pension to Frederick O. Clark;

H. R. 9037. An act to allow the commutation of homestead entries in certain cases;

H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes; and

H. R. 12552. An act granting a pension to Erwin A. Burke, alias B. A. Erwin.

The message also announced that the Senate had passed the following resolutions:

*Resolved*, That the Senate has heard with deep regret and sorrow the announcement of the death of Hon. JOSHUA S. SALMON, late a Representative in Congress from the Fourth district of New Jersey.

*Resolved*, That a committee of seven Senators be appointed by the Presiding Officer of the Senate to join the Committee of the House of Representatives to make arrangements for and to attend the funeral of the deceased.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance of the foregoing the President pro tempore had appointed as the committee on the part of the Senate Mr. KEAN, Mr. DRYDEN, Mr. BURNHAM, Mr. BEVERIDGE, Mr. HEITFELD, Mr. FOSTER of Louisiana, and Mr. BACON.

#### CHANGE OF CIRCUIT COURT TERMS IN FIRST CIRCUIT.

The SPEAKER laid before the House the bill (S. 5387) to change the terms of the circuit courts of the United States within the first circuit, a similar House bill being on the Calendar, reported by the Committee on the Judiciary.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the regular terms of the circuit courts within the first circuit hereinafter named, which commence after the 1st day of January, 1903, shall be held at the places now provided by law, but instead of at the times at which the same now commence they shall be changed to commence as follows:

In the district of Maine the April term shall be changed from the 23d day of April to commence on the third Tuesday of April, and the September term from the 23d day of September to commence on the third Tuesday of September.

In the district of New Hampshire the May term shall be changed from the 8th day of May to commence on the first Tuesday of May, and the October term from the 8th day of October to commence on the second Tuesday of December.

In the district of Massachusetts the May term shall be changed from the 15th day of May to commence on the last Tuesday of February, and the October term from the 15th day of October to commence on the third Tuesday of October.

In the district of Rhode Island the June term shall be changed from the 15th day of June to commence on the fourth Tuesday of May.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the bill H. R. 13967, similar to this, will lie on the table.

GEORGE TUCKER.

The SPEAKER laid before the House the bill (H. R. 4927) granting a pension to George Tucker, with a Senate amendment. The Senate amendment was read.

Mr. GIBSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I call up the conference report on the Indian appropriation bill, and I ask unanimous consent that the reading of the report be dispensed with and that the statement be read in its stead.

The SPEAKER. The gentleman from New York calls up the

conference report on the Indian appropriation bill and asks unanimous consent that the reading of the report be omitted and the statement only be read.

Mr. RICHARDSON of Tennessee. Is it a unanimous report, signed by all the conferees?

Mr. SHERMAN. The report is not signed by the gentleman from Arkansas [Mr. LITTLE]. The gentleman from Arkansas desires to oppose the acceptance of the report because of one item only.

Mr. RICHARDSON of Tennessee. The gentleman from Arkansas is in his seat and will take care of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The report of the conference committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11353) "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, 10, 11, 29, 32, 36, 40, 42, 43, 44, 45, 46, 50, 73, 86, 88, 89, 93, 94, 101, 102, 110, 111, 112, 113, 114, 118, 121, 127, 130, 132, and 133.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 34, 37, 38, 39, 41, 47, 51, 52, 54, 55, 58, 59, 60, 61, 62, 63, 64, 66, 68, 69, 70, 72, 74, 75, 76, 77, 80, 81, 82, 85, 91, 92, 95, 96, 97, 99, 100, 103, 104, 105, 106, 107, 108, 109, 115, 116, 117, 122, 123, 124, 128, and 131, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-three;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$98,800;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all of said amendment down to the proviso, so that said amendment will read as follows: "Provided, That the Indian inspector who shall be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year 1902, and so long as he shall remain on duty in said Territory;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Provided, That the Secretary of the Interior shall appoint an advisory commission, consisting of three persons, who shall serve without compensation, to aid in the selection of said tract of land, and who shall make their final report and recommendation to the Secretary of the Interior within ninety days after such appointment. And the sum of \$1,000, or so much thereof as may be necessary, may be used out of the appropriation herein made for the purpose of paying the expenses of such commission."

And transpose the same so that it will follow the word "location," line 24, page 30 of the bill.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Provided, That said Commission shall exercise all the powers heretofore conferred upon it by Congress: *Provided further*, That all children born to and duly enrolled and recognized citizens of the Creek Nation up to and including the 25th day of May, 1901, and then living shall be added to the rolls of citizenship of said nation made under the provisions of an act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, and if any such child has died since the 25th day of May, 1901, or may hereafter die, before receiving his allotment of land and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall descend to his heirs and be allotted and distributed to them accordingly: *And provided further*, That the act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, in so far as it provides for descent and distribution, according to the laws of the Creek Nation, is hereby repealed, and the descent and distribution of lands and moneys provided for in said act shall be in accordance with the provisions of chapter 49 of Mansfield's Digest of the Statutes of Arkansas in force in Indian Territory."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Page 38, line 4, of said bill, strike out "thirty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: Line 5 of said amendment, after the word "reservation," insert: "the remainder of such irrigable land to be allotted to such Indians on said reservation as the Secretary of the Interior may designate, not exceeding 20 acres each;" line 11 of said amendment, after the word "habitations," insert: "for the members of said tribe;" line 11 of said amendment, after the word "allottees," insert: "who are heads of families;" line 13 of said amendment, after the word "agriculture," insert: "to be paid in such manner and at such times as may be agreed upon between said allottees and the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to John T. Hill for the NE.  $\frac{1}{4}$  of sec. 4, in T. 6 N., R. 18 W., of the Indian meridian in Oklahoma, the same having been allotted to him under act of June 6, 1900."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

"\$10,000 thereof to be immediately available."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows:

Lines 9 and 10 of said amendment, strike out "July 1, 1902," and insert in lieu thereof "the following dates."

Line 11 of said amendment, after the word "dollars," insert "from July 1, 1901."

Line 12 of said amendment, after the word "dollars," insert "from July 1, 1902."

Line 13 of said amendment, after the word "dollars," insert "from July 1, 1902."

And at the end of said amendment add the following:

"Provided, That the Secretary of the Treasury be, and he is hereby, authorized and directed to place in the subtreasury at St. Louis, Mo., to the credit of the national treasurer of the Chickasaw Nation the balance of the said Chickasaw national fund, after deducting the \$10,000 appropriated out of said fund for the aid of certain indigent Chickasaws."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with amendments, as follows:

Line 22 of said amendment, after the word "have," insert "in lieu of such lease or permit."

Line 25 of said amendment, after the word "may," insert "in lieu of its lease."

Lines 37 and 38 of said amendment, strike out "to be immediately available" and insert in lieu thereof the following: "whenever a majority of the adult male Indians of said tribes shall have consented to the allotment of lands and the restoration of the unallotted lands within said reservation as herein provided."

Line 50 of said amendment, after the word "Indians," strike out the remainder of said amendment.

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment strike out lines 3 to 8, inclusive, page 43 of the bill, and insert the following:

"For support and maintenance of the asylum for insane Indians at Canton, S. Dak.: For pay of employees; for transportation of insane Indians to and from said asylum; for general repairs and improvements, including necessary outbuildings, grading, fencing, etc.; for incidental and all other expenses necessary to its proper conduct and management, \$25,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment add the following: "to be paid out of the funds in the Treasury of the United States belonging to the Omaha and Winnebago Indians;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with amendments, as follows: Lines 1 and 2 of said amendment strike out the following: "be, and is hereby, authorized to" and insert in lieu thereof "may, in his discretion."

And at the end of said amendment add the following:

"That the Secretary of the Interior may, in his discretion, pay per capita to the Iowa Indians, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto the sum of \$78,000 from their principal now to their credit in the Treasury of the United States."

"That the Secretary of the Interior may, in his discretion, pay to the Sac and Fox Indians of Missouri, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto, the sum of \$79,000 from their principal now to their credit in the Treasury of the United States."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For payment to Robert F. Thompson, for compiling laws relating to Indian affairs under provisions of the Indian appropriation act approved May 17, 1882, and digesting correspondence of the land division of the Indian Office, \$5,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of said amendment add the following: "and the acceptance of said sum by said Cox shall be a complete and absolute bar to any and all claims against the United States for said improvements;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized and directed to pay, under such regulations as he may prescribe, to the Chippewa Indians of Minnesota entitled thereto, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on ceded Indian lands under the act of June 7, 1897. (30 Stat., p. 90.)"

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Line 3 of said amendment, strike out "fifty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "sixty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$12,000;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$39,350;" and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: Line 3 of said amendment strike out "thirty" and insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with

an amendment as follows: In lieu of the sum proposed to be inserted by said amendment insert "\$29,650;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For the erection of school buildings on the Tulalip Reservation, Wash., to replace those recently burned, \$30,000, to be immediately available."

"For additional amount for construction, purchase, lease, and repair of school buildings; for sewer and water supply and lighting plants; for purchase of school sites or additions thereto, and for improvements of buildings and grounds, \$50,000."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the part of the northern district of the Indian Territory consisting of the Creek country, the Seminole country, and all that portion of the Cherokee and Choctaw nations included in the following described boundaries, to wit: Commencing at the northeast corner of the Creek Nation and running east on the line between townships 19 and 20 to its intersection with the dividing line between ranges 20 and 21 east; thence south on said line to its intersection with the Arkansas River; thence down the Arkansas River to its intersection with the Canadian River; thence up the Canadian River to its intersection with the dividing line between ranges 20 and 21 east; thence south to the intersecting line between townships 7 and 8; thence west on the intersecting line between townships 7 and 8 to the Creek Nation, be, and the same is hereby, made the western district in said Territory, and the places of holding courts in said western district shall be Muscogee, Wagoner, Sapulpa, Wewoka, Eufaula, and Okmulgee. The judge appointed under the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes,' approved June 7, 1897, shall be the judge of said western district; and he is hereby authorized to appoint a clerk, who shall reside and keep his office at one of the places of holding court in said western district."

"That each of the three commissioners, with headquarters at Muscogee, Eufaula, and Wewoka, respectively, shall be United States commissioners for said western district for a period of four years from the date of their appointment and until their respective successors shall be appointed and qualified, and the two constables now in office, whose headquarters are at Muscogee and Eufaula, respectively, shall be constables in said western district until their successors shall be appointed and qualified; and said judge may appoint a constable for the commissioner at Wewoka, and the said judge may appoint an additional commissioner, to be located at Checotah, and an additional constable for said commissioner's court. Each of the United States commissioners and each of the four constables now located in the northern district as constituted by this act shall continue to be United States commissioners and constables, respectively, for said district until their successors shall be appointed and qualified. That the clerk's office at Vinita shall also be the recorder's office for the northern district, except that the clerk's office at Miami shall continue to be the recording office for the Quapaw Indian Agency as now provided by law. The United States marshal of the present northern district shall be marshal of the western district, and there shall be appointed by the President, by and with the advice and consent of the Senate, a district attorney for said western district and a United States marshal for the northern district."

"The said officers shall be appointed and shall hold office for the period of four years, and shall receive the same salary and fees and discharge like duties as other similar officers in said Territory. The cases now pending in that part of the northern district which is hereby made the western district shall be tried the same as if brought in said western district. Terms of court shall continue to be held within the territory remaining in said northern district at the places now provided by law for the holding of courts therein, and in addition thereto at the towns of Sallisaw, Claremore, Howata, and Pryor Creek, in the Cherokee country. All laws now applicable to the existing judicial districts in the Indian Territory, and to attorneys, marshals, clerks, and their assistants or deputies therein, not inconsistent herewith, are hereby made applicable to the western district. In addition to the places now provided by law for holding courts in the southern and central districts, courts in the southern district shall also be held at Tishomingo and Ada, and in the central district at Durant. The United States judge for the central district of the Indian Territory, after the approval of this act, may appoint a constable for the commissioner located at Durant."

"To enable the Attorney-General to carry out the provisions of the act approved July 7, 1896, for the erection of three jails in the Indian Territory, and also to erect one additional United States jail in said Territory, \$40,000 is hereby appropriated, to be expended under the direction of the Attorney-General, to be immediately available, and to remain available until expended. And the Attorney-General is hereby authorized and directed to cause to be erected a United States jail at each of the three places already formally designated by him, namely, at Muscogee in the western district, at South McAlester in the central district, and at Ardmore in the southern district, and one additional United States jail at Vinita in the northern district, at a total cost not exceeding \$100,000."

"That for the purpose of acquiring sites for United States jails as provided herein in the Indian Territory, there shall be appointed by the judge of the United States court in the district where such land is situated, on application of the United States by petition describing the land sought to be condemned, three disinterested referees, who shall determine the compensation and damage to be paid any owner, occupant, tribe, or nation by reason of the appropriation and condemnation of such land for the use and benefit of the United States for a jail at any of the places hereinbefore mentioned."

"Such referees, before entering upon the duties of their appointment, shall each take and subscribe before the clerk of the said United States court an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed. Before such referees shall proceed with the assessment of damages for any lands sought to be condemned under this act, ten days personal notice of said hearing shall be given to all persons interested, and service may be had upon each tribe or nation in which said land may be located by service upon the principal chief thereof, and in case personal service can not be had upon any person interested, twenty days' notice of the time when the same shall be condemned shall be given, by publication in some newspaper in general circulation nearest said property in the district where said land is situated."

"If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the filing of the award in the court by which said referees were appointed, to appeal by original petition to the United States court sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the land in controversy shall be



tried de novo, and the judgment rendered by the court shall be final and conclusive. And upon the payment into court of the amount or amounts awarded as damages, fee simple title to said tract of land shall vest in the United States. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction, and upon the payment of the sum or sums so found due into the court a fee simple title to said land shall vest in the United States.

"Each of said referees shall receive for his compensation the sum of \$5 per day while actually engaged in the appraisal of the property and the hearing of any matter submitted to them under this act.

"That if any party or person other than the United States shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person. It shall be the duty of the United States court in each district to promptly hear and determine the rights of all parties if any appeal shall be taken under this act."

And the Senate agree to the same.

J. S. SHERMAN,  
CHARLES CURTIS,  
*Managers on the part of the House.*  
WM. M. STEWART,  
O. H. PLATT,  
J. L. RAWLINS,  
*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

The Senate recedes from amendments numbered 4, 6, 7, 10, 11, 29, 32, 36, 40, 42, 43, 44, 45, 46, 50, 73, 86, 88, 89, 93, 94, 101, 102, 110, 111, 112, 113, 114, 118, 121, 127, 130, 132, and 133, leaving the bill in those particulars precisely as it left the house.

The House recedes from the following amendments:

1 and 2, which provide for the continuance of the Jicarilla Agency in New Mexico.

3, which is simply a correction in spelling a proper name.

9, which authorizes the Secretary, in his discretion, to use \$5,000 of the \$40,000 appropriated for contingent expenses for the introduction of the willow industry among the Indians.

12, which provides that the payment of the expenses of the Chippewa delegation shall be paid when authorized by the Secretary of the Interior.

13, which provided for the payment of a commissioner and his expenses for the removal of and allotment to Indians.

14, which is a correction of date.

15, which provides for the payment of the expenses of the Creek Indians who removed themselves from east of the Mississippi River to the Indian Territory, to the amount of \$12,220.

16, which is a correction of the spelling of a proper name.

17, which is a correction of a date.

18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 37, which are all simply changes of phraseology.

24, which appropriates \$35,150 for the purchase of cattle, the erection of fences, etc., for the Northern Cheyenne Indians.

29, which changes the wording so as to provide "as soon as practicable" instead of "in the discretion of the Secretary."

33, which leaves the number of the Dawes Commissioners at four instead of three, as proposed by the House bill.

34, which changes the appropriation to correspond with 33.

38, which changes the amount of the appropriation from seventy-eight to ninety-three thousand dollars, made necessary by amendments 53 and 56.

39, which changes a fixed date for the wording "as early as practicable."

41, which is the insertion of the word "such," so as to make more clear the meaning and intent of the wording of the bill.

47, which provides for the allotment to each Klamath Indian born since the allotment of such reservation to said tribe an allotment of 80 acres of agricultural or 160 acres of grazing land within that tribe's reservation.

51, which authorizes the Secretary to allot to two Indians lands in severalty on the Red Lake Reservation in Minnesota.

52, which provides for like allotment to another Indian named in said amendment on the same reservation.

54, which authorizes the Secretary to issue a patent to a Pottawatomie Indian who had heretofore received an allotment, but who had not received a patent therefor.

55, which is a like provision for an Indian therein named belonging to the Cheyenne and Arapahoe tribe.

58, which strikes from the bill a provision which is inserted in another part of the bill.

59 and 60, which strike from the bill a House provision in reference to allotting lands to the Miami Indians, and inserts it in different form.

61, which provides for the maintenance of an Indian warehouse at St. Louis, Mo., and appropriates \$10,000 therefor.

62, which authorizes the accounting officer of the Treasury to audit certain expenditures of the Commissioner at the New York Indian warehouse.

63, which inserts the words "when necessary" in relation to an appropriation for the investigation to ascertain who are the beneficiaries of the New York judgment.

The general subject covered by 65 covers that in 64.

65, which provides that with the prior consent of a majority of the adult Indians of the Uintah and White River tribes of Utah their reservation shall be thrown open to entry under the mineral-land laws of the United States, with the provision that the two companies, one of which has an approved lease under which it has been operating for two years or more, and the other of which has a lease negotiated with the Indians under the authority of the Secretary, and which is now pending before him on an application for approval, shall have the prior right, the one to locate 100 mineral claims covering gilsonite, claterite, and asphaltum of 20 acres each, and the other to locate a claim of 640 acres of contiguous property, mineral lands, supposed to contain precious metals. The amendment also provides that there shall be paid to these Indians \$70,064.48 in payment for the lands which have been allotted upon their reservation to the Indians known as the Uncompahgre Indians.

The House receded from amendment 66 which provided for the appropriation of \$10,000 to be expended under the provisions of the act relating to the Sioux Reservation in Dakota.

68 and 69 the House receded. These amendments simply change the phraseology of the section.

70, from which the House receded is simply a change of phraseology.

72, which carries no appropriation but authorizes the Secretary to give permission for the construction of a bridge across the narrow of Devils Lake, and permission to use the stone from the border of said lake to be used in the construction thereof.

74, which provides for the purchase of the allotment of an Oneida Indian whose allotments adjoin the Oneida Indian School, Wisconsin, to enlarge the grounds of said school.

75, which provides for an investigation under the supervision of the Secretary of the Interior of the claims of certain members of the Lower

Brulé band of Sioux Indians arising out of their forcible removal from their homes south of the White River, and appropriates \$1,500 for the purpose of paying the claims that may be found to be valid.

76, which provides for the granting of a right of way through the allotted lands of the Southern Ute Indians, Colorado, for irrigating ditches under regulations to be fixed by the Secretary and with the assent of the allottees.

77, which provides for an investigation of the practicability of providing for a water supply for the Southern Ute Indians in Colorado and for the expenditure of not to exceed \$150,000 of their funds in the Treasury for the purpose of supplying irrigation to a portion of their reservation under the direction of the Secretary of the Interior.

78, which provides for the opening up under the mineral-land laws of the United States of mineral lands on the Spokane Reservation in the State of Washington.

80, which provides that of the funds in the Treasury of the United States to the credit of the Indians of Crow Creek \$168,335.10 may be expended for the purchase of cattle, the construction of fences, storage reservoirs, etc.

81, which provides for the payment to the attorneys of the Wichita Indians the fees to which they are entitled under contract with said Indians for the successful prosecution of their claims in the Court of Claims and the Supreme Court of the United States, said sum to be reimbursed to the United States out of the proceeds of the sale of the lands of said Indians.

82, which provides for the payment of \$150 to James R. Goss for his services in defending two Indian policemen upon the charge of assault, the difficulty having arisen out of the discharge of their official duties.

85, which provides for the payment of \$8,050 to several persons therein named to reimburse them for improvements made by them on the Round Valley Indian Reservation in California.

91, which appropriates \$1,000 for surveying and locating allotments on the Net Lake Indian Reservation in Minnesota.

92, which provides for the payment out of the funds of the Fond du Lac Indians \$2,856 to certain merchants, the legality of whose claims have been established to the satisfaction of the Department.

95, which increases the appropriation for the Chamberlain school, South Dakota, by providing for the enlargement of its capacity and the extension of its sewer system.

96, which increases the appropriation for the Carson City, Nev., school, by providing for additional buildings and for the increase of its capacity.

97, which changes the word "building" to the word "buildings."

99, which makes immediately available the appropriation for improvements at the Riggs Institute, South Dakota.

100, which includes the work of installation in the appropriation for new boilers at the same school.

103 and 104, which increase the appropriation for the Fort Totten school, North Dakota, by providing for the extension of steam heating plant and the electric-light plant.

105, which enlarges the use for which an appropriation of \$10,000 can be used at the Genoa school, Nebraska.

106, 107, 108, 109, which increases the appropriation for the Grand Junction school, Colorado, by providing for a greater number of pupils.

115, which strikes from the bill a provision for the maintenance of the Indian school at Mandan, N. Dak.; that school not being sufficiently near completion to warrant an appropriation for its maintenance during the next fiscal year.

116, 117, 122, which are merely phraseological changes.

123, 124, which add drainage to the sewerage as the objects for which an appropriation may be used at the Salem school, Oregon, and makes that appropriation immediately available.

128, which corrects a typographical error.

131, which strikes from the bill the provision that minor heirs may join in a conveyance of real estate, and provides that they can only so join by guardian.

From the following amendments the House recedes with amendments:

1, changing the number of agents from 44 to 43.

5, which simply changes the amount made necessary by the adoption of the former amendments.

From number 8 the House receded with an amendment eliminating from the Senate amendment all of the said amendment except the proviso which gives the same per diem subsistence that is allowed to other inspectors.

From amendment 31 the House recedes from the Senate amendment with an amendment which provides for the appointment of three citizens of California to serve without compensation in locating a new home for the Indians who are homeless because of the decision of the court which removes them from Warners Ranch.

From amendment 35, which provides for the addition to the rolls of the Creek Nation all the children born prior to May 5, 1900.

From amendment 48, providing for the allotments of lands in severalty, and appropriating therefor \$40,000.

From amendment 49, which provides for allotment in severalty to the Indians of the Walker River Reservation in Nevada, and for the payment to said Indians who are heads of families \$300 per capita.

From amendment 53, which provides for the issuance of letters patent to Nora G. Hazlett and for lands heretofore allotted to her, and providing also for the issuance of a patent to John T. Hill.

From amendment 56, which provides that \$10,000 of the appropriation of \$40,000 for the support and employment of the Pima Indians shall be immediately available.

From amendment 71, which provides for the erection of bridges in the Omaha and Winnebago Reservation to be paid for out of the funds of said Indians to their credit in the Treasury.

From amendment 79, which makes it discretionary with the Secretary to pay out of their funds to their credit in the Treasury to the Iowa Indians in Kansas the sum of \$78,000; to the Sac and Fox Indians of Missouri, located in Kansas, the sum of \$79,000, and to the Omaha Indians in Nebraska the sum of \$100,000.

From amendment 83, which provides for the payment to Robert F. Thompson \$3,000 for services in preparing a digest of laws and correspondence relating to Indian affairs.

From amendment 84, which provides for the reimbursement of Emmett Cox for improvements made by him on the Kiowa Reservation and surrendered to the United States.

From amendment 87, which provides for the payment to the Chippewa Indians in Minnesota money to their credit in the Treasury of the United States derived from the sale of stumpage and from dead and down timber.

From amendment 90, which provides for the payment to the Mille Lac Indians the value of the improvements made by them on the Mille Lac Reservation after they have been examined and appraised, and upon the condition that said Indians remove from said reservation.

From amendment 98, which provides for the establishment of an Indian school at Elko, Nev., and appropriates \$40,000 for the purpose.

From amendments 119 and 120, providing for an increased appropriation of \$12,000 for the enlargement of the boys' dormitory at the Pipestone School in Minnesota.

From amendments 125 and 126, providing for an increased appropriation of \$35,000 for the erection of a new building at the Salem School, Oregon.

From amendment 129, which provides for an increase of \$50,000 in the general fund for the purchase, repair, etc., of school buildings and school sites, and also for an appropriation of \$30,000 to replace the buildings at the school on the Tulalip Reservation, recently burned.

From amendment 134, which creates a new United States court district in the Indian Territory, to which shall be assigned the judge who has heretofore been designated as "the floating judge" therein. It also provides for the holding of courts in certain places in said Territory and arranges the boundary line between the northern and western districts of said Territory, and also provides for additional United States commissioners, marshals, and other officers therein. It also provides for United States jails in said Territory.

Mr. LITTLE. Mr. Speaker—

The SPEAKER. Does the gentleman from New York yield to the gentleman from Arkansas?

Mr. SHERMAN. My understanding is that the gentleman from Arkansas opposes but one of the one hundred and thirty-odd items in the bill, and so far as our side is concerned, it seems to me that we would not require a great deal of time. I would like to know if we can not agree with the gentleman upon some length of time for the discussion of the proposition.

Mr. LITTLE. I think we can get along with one hour on this side if I can be recognized in my own right.

Mr. SHERMAN. That is rather more time—

Mr. LITTLE. We may not use the whole of it.

Mr. SHERMAN. I suggest, then, Mr. Speaker, that the gentleman from Arkansas be allowed an hour for his side and I be allowed an hour for this side, at the end of which time it shall be understood that the previous question is ordered, and sooner if debate closes before that time.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Arkansas have an hour and that the gentleman from New York have one hour, after which the previous question shall be considered as ordered on the report. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Will the gentleman from New York proceed at this time?

Mr. SHERMAN. I prefer that the gentleman from Arkansas should proceed, if he is willing.

The SPEAKER. The gentleman from Arkansas is recognized for one hour.

Mr. LITTLE. Mr. Speaker, the gentleman from New York, while he states my position in part, does not state fully the position I occupy with reference to this report. While there are a number of propositions in this bill that do not meet my personal approval, yet amendment No. 65, referred to by the gentleman from New York, was the only amendment to which I did not feel under any circumstances I could give my approval, either directly or indirectly.

I realize, too, ordinarily the utter futility of attempting to defeat a full conference report in this House upon any general appropriation bill. I believed when in committee, and believe now, that this amendment No. 65 was of that character that this House itself ought to have the opportunity to pass upon that one question alone, without being put to the extremity of adopting or rejecting the full report. I urged, and I have hope now to that end, that this report may be voted down, so that the important question involved in amendment No. 65, put there by the Senate, may be disposed of by the House with the right of amendment and after due and proper consideration.

The amendment to which I object involves a proposition to open to settlement the Uintah Reservation, in the State of Utah. There has been since 1896, I believe, not only one, but two or three different efforts on the part of the Government to negotiate with these Indians with a view of opening the 2,000,000 acres of their reservation. Every effort on the part of the Government to open this reservation has been thwarted, in my opinion, by means that are not commendable to the parties who did it.

I believe the effort to secure mineral leases by various parties, culminating in the leases which will be so generously protected and cared for if this report is adopted, has been the direct cause of the failure to make satisfactory agreement with the Indians for the opening and settlement of this great reservation, so important to the State of Utah and the country.

We find that early in the nineties—in 1896 and on later—various applications had been made to the Department to secure leases for the working of minerals in the mineral part of this reservation, there being, I believe, from 600,000 to 700,000 acres classified as nonagricultural lands. These efforts have gone along step by step, counteracting every effort that the Government has made to make a decent, plain agreement with these Indians, if an agreement was necessary at the beginning, with the view of opening their reservation.

From time to time these efforts have been made and, as I state, have failed. One of these leases, made with what is known as the Raven Mining Company, has been approved by the Secretary of the Interior. A permit to negotiate a lease has been granted to the Florence Mining Company, but that lease has not been approved by the Secretary of the Interior so far as I know. I

suppose, however, that he stands ready to approve it if this legislation fails.

The Florence Mining Company's proposed lease covers 640 acres of contiguous land. In other words, that company may string out its claim just as long, I understand, as the 640 acres can be extended under the form of general mineral claims—some 20 or 30 miles.

Then, as to the Raven Mining Company—the one whose lease has been approved—this bill provides that they shall have a preferential right to locate, not 50 mineral claims, not 75, but 100 mineral claims, in exclusion of everybody else; and that they have from now until September 30, 1903, in addition to the time they have already had, for prospecting and locating these claims.

The lease of the Raven Mining Company applies, as I understand, to asphaltum and kindred minerals. I have been trying to get a copy of that lease; have made application for it, but a copy has not been furnished me. I will ask the gentleman from New York [Mr. SHERMAN] whether he has a copy.

Mr. SHERMAN. No, sir.

Mr. LITTLE. I suppose somebody knows something about that lease, but I do not. I have not a copy of it; as I said, I have not been able to get a copy. I do not know who the organizers of the company are.

Mr. MADDOX. Do I understand one of these companies is authorized to locate 100 claims?

Mr. LITTLE. Yes, sir.

Mr. MADDOX. What is the reason for granting a privilege like that?

Mr. LITTLE. I will read the provision in a moment. They have a lease, ratified or approved some three years ago by the Secretary of the Interior, to operate on this reservation for mineral purposes in locating and operating asphaltum-gilsonite claims.

Mr. CURTIS. Will the gentleman allow me a moment?

Mr. LITTLE. Certainly.

Mr. CURTIS. The lease already approved by the Secretary of the Interior covers 134 claims. This bill reduces the number to 100.

Mr. LITTLE. Has the gentleman a copy of that lease? I have been unable to get it.

Mr. CURTIS. I have a statement of the Secretary of the Interior as to what it covers.

Mr. COWHERD. Could nobody get a lease except these parties?

Mr. LITTLE. No, sir; as I understand. If the gentleman will read the correspondence, etc., in Senate Document 154 he will be in a position to easily see how this company could get that lease. I believe that both these leases, when you track them from the time of the original application down to this time, will be found to involve officers of the Government, especially the local officers connected with this reservation.

Here is the provision of the amendment giving these extraordinary rights to these companies:

*And provided further, That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or such permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have the preferential right to locate in lieu of this lease under the mining laws not to exceed 640 acres of contiguous mineral land, except the Raven Mining Company, which may locate in lieu of its lease 100 mining claims of the character of mineral mentioned in its lease.*

That is the provision which, in my opinion, is carrying this bill through.

Mr. MADDOX. Are they allowed to locate those claims whenever they please?

Mr. LITTLE. Yes, sir. This amendment, as it now stands, provides, if agreed to by the Indians, that this reservation shall be opened on the 30th of October, 1903, and these companies will have from now until that time, in addition to the time they have already had for the last three or four years, to prospect every foot of that country and cover over everything of mineral that they may find, unless there should be so much that they can not cover it all by stringing out these claims in the manner proposed to be authorized.

Mr. MADDOX. Can the gentleman account for the extreme partiality shown to this company?

Mr. LITTLE. I will endeavor to do so further on.

Mr. SHERMAN. Was it not understood before the conference committee that the Raven Company would be limited to the territory covered by their lease? That was my understanding.

Mr. LITTLE. It was not mine by any means. And this provision does not contain any such limitation.

Mr. LOUD. How could anything be definitely understood on the subject if the committee was not in possession of any information or any data? The chairman of the committee has said that he never saw the lease.



Mr. LITTLE. I have never seen it. My friend from Kansas says he has a statement of what it contains. I applied, through my friend from New York [Mr. SHERMAN], to the Secretary for the Raven lease.

Mr. SUTHERLAND. Will the gentleman permit me?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. Have you a copy of the letter from the Secretary of the Interior which was transmitted to the Senate? That contains a copy of the lease.

Mr. LITTLE. Document 154?

Mr. SUTHERLAND. I do not remember the number of it.

Mr. LITTLE. It contains a copy of the Raven lease?

Mr. SUTHERLAND. Yes.

Mr. LITTLE. I think not. It does of the Florence lease. Have you got a citation of it?

Mr. SUTHERLAND. No; I have not the reference to it. Now—

Mr. LITTLE. I might ask you some questions, directly.

Mr. SUTHERLAND. Permit me to ask one other question. You say you do not know what this lease contains?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. The lease is on file in the office of the Secretary of the Interior.

Mr. LITTLE. I applied for a copy.

Mr. SUTHERLAND. I would ask the gentleman why he has not examined it as a member of the conference committee?

Mr. LITTLE. Because I have no copy. I made application for it and have not been furnished with it. That is the reason.

Mr. SHERMAN. I have seen the lease in the Department.

Mr. LITTLE. I do not doubt it is there, so far as that is concerned. Now, I will get to the material part presently. The Florence Mining Company made its application for a permit to negotiate a lease in 1899. Later on it made another application, in 1901, for a permit to negotiate a lease. Now, I want to call the attention of the House to some correspondence which appears in the document that I have before me.

I want you to understand that one of the main objections to this character of lease is that I do not believe, notwithstanding the Department has held to the contrary, also the Assistant Attorney-General, that this particular reservation is covered by the law governing the lease of minerals.

I refer to the law of 1891, which says the Secretary may lease lands which have been bought and paid for by the Indians; but the construction has been the other way, and these applications for parties to lease from time to time have been held up until, as shown by the last application for permission, all the conflicting interests have been consolidated and united under the Florence Mining Company.

Now, the Florence Mining Company is one of considerable importance in its personnel. That company was organized in 1899. The officers of that company were Henry C. Payne, of Wisconsin, president; William L. Ward, vice-president; Benjamin B. Odell, treasurer; Leroy D. Thoman, secretary. Since the first organization—to wit, in 1900—Mr. Payne tendered his resignation as director, and Mr. Odell also has tendered his resignation as director, and the company has been reorganized in that way.

Now, with that intimation only, I desire to read from the agenda on page 13. It is as follows:

In September, 1896, an application was made by Mr. George F. Timms for a permit to negotiate a mining lease on the Uintah Reservation. Action on the application was deferred from time to time in deference to persistent efforts to induce the Indians to take individual allotments and cede a considerable portion of their land for public entry. No less than three commissions authorized by acts of Congress to negotiate a cession of part of these lands have failed.

Inspectors have been sent by the Department for like purpose, and they, too, have failed. In the last few years Congress has refused to make further appropriations to attempt negotiations for the cession of these lands, presumably because no headway was made by the former commissioners. This failure has not embarrassed the continued introduction of bills seeking that end, and it is possible that these bills have deterred the Department from earlier allowing negotiations for leases to be made.

Now, I read from page 33 of Senate Document No. 154 a more concise statement of how these matters have been managed than I can give myself, being a communication from one R. S. Collett, following the history of these matters:

And here is the story of the origin of these mineral leases: In 1897 one Dr. Hattenbrook was around here with samples of gold ore that were the finest I ever saw. He said they came from the reservation and was trying to get a permit to go on the reservation to prospect. At that time H. P. Myton was a commissioner assisting in the opening of the reservation, E. B. Harper was the secretary of this commission, and S. M. Miller was the surveyor for the same.

They saw these samples of gold, and while they were yet acting on the commission they began to plan for a "mineral lease" on the reservation. The result was, Myton was subsequently made agent and the others hoped to profit thereby.

A plan was formed, with Myton as chief assistant, to obtain this lease. J. H. Mease, post trader at Du Chesne, and John McAndrews, interpreter at Ouray, were taken in to help the matter along. The inclosed letters tell their own tale.

The same plan of action was to be pursued as is now being pursued, and here the hitch came. Mease and McAndrews claim they refused to try to in-

fluence the Indians in this way, so they were dropped out and others taken in. Mease, however, failed to burn his correspondence, as he was instructed, and McAndrews has a duplicate of the most of it.

Myton, Miller, and Harper are still in the lease. It was Harper whom Myton went to see at Denver before calling the council of Indians. And you will see by these letters that they joined forces with Timms and have nearly accomplished their object.

I also inclose you a copy of the then proposed lease, also furnished by Mr. Mease, and he informed me that this lease was drawn in the office of Commissioner of Indian Affairs, and the maps furnished from there also, and that while Mr. Ryan, who is still Acting Secretary in the Interior Department, was deeply interested in the lease, he was not alone by any means.

It was some time before Mr. Mease could be induced to give up the papers, and he assures us that Myton et al. think them destroyed. He is not vindictive toward Myton, but says he wishes to protect himself and not have the whole matter thrown onto him.

He has a large stock of these papers and telegrams, the latter mostly in cipher, and they are all at your disposal if you can do anything with them.

Mr. Sutherland, you can not know the manner in which these Indians are being fleeced and robbed and the manner in which this steal has been planned and executed. These papers are placed at your discretion; we hope you can use them. If you could get a thorough investigation of this agency affair you would be astonished at what would be revealed. And it seems to us that this should be had if an appeal had to be made to the President.

No newspaper talk will be made here of these papers. No one knows of them but the committee that has had this matter in hand. In the event you find them of no value you will kindly return them, that Mr. Mease may get them again. But I sincerely hope you may be able to put a stop to this leasing business and to have a measure passed looking to the early opening of the reservation.

Wishing you the compliments of the season, and assuring you of my warmest regards, I have the honor to be,

Very respectfully, yours,

R. S. COLLETT.

Now, I will read a short paragraph from a letter bearing date March 8, 1899, sent by Mr. Harper, the party mentioned a moment ago. After referring to the organization of the company, he says:

Several applications have been made for permits to go out to the reservation to secure a mineral lease. We are going to act upon a suggestion made us to-day, by one whose suggestions in such a matter are entitled to great respect, not to wait for any permit, but go right straight ahead and use all our efforts at once to secure a lease. All the applications now on file will be held up for the present and no permits will be issued.

I will write a letter to Myton telling him you are coming, and that at the suggestion of the proper authority no permit is necessary. Were permits issued to all who have applied you would find, probably, several persons on the ground with you trying to get the lease. In that event you would have to proceed boldly but cautiously, and keep a close watch on what the others are doing. Timmes is working from here through Dr. McDonald, the veterinary surgeon at the post. But you need not fear the doctor, as he will very soon be out of the way. It may be advisable to "lay low" until he gets his orders to leave and has gone away.

We have little fear that he can do us any damage, but he must be watched, and if he leaves within a few days, as now seems likely, it would be advisable to wait until he is out of the way. Thoman is the only man we think needs careful looking after. He, or the Raven Mining Company, has just paid in \$1,000 for the Indians on the elaterite lease. This money has not been earned, but has been paid in as a bluff to catch the Indians, so as to get from them a new lease.

Thoman has also been trying to get Myton off the reservation so as to get a chance to treat with him and get him away from us if possible. They are desperate and will go to any length to detach Myton from his fidelity to us; however, Myton is fully aware of their intentions and will not be misled by any proposition they may make to him, realizing that our interests are mutual in every particular. As it looks now, however, I am very hopeful that you can get on the ground and go to work with the Indians without any interference from the other parties.

Mr. SUTHERLAND. Will you give the date of that letter?

Mr. LITTLE. March 8, 1899.

Mr. MADDOX. Who was the doctor? In whose service was he?

Mr. SMITH of Kentucky. Who was Dr. McDonald?

Mr. LITTLE. I do not know. He was one of the post agents out on the reservation. The veterinary surgeon at the post.

Mr. COWHERD. Who was going to remove him?

Mr. LITTLE. Well, I do not know. All I can say is that these letters have been public for weeks, and if there has been any denial from any source on the face of the earth of any imputation that they have made directly in these letters, I have failed to hear of it from any source.

Mr. SUTHERLAND. Will the gentleman permit me to ask him a question?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. These letters were sent in response to a Senate inquiry, were they not?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. And they were all before the Senate committee?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. And they were all before the Senate itself?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. Then the Senate committee unanimously reported in favor of this amendment that you are now antagonizing, and the Senate unanimously passed it?

Mr. LITTLE. Yes; and a good part of the Senate committee, together with the gentleman who is now addressing me, have denounced these leases in stronger terms than I can denounce them, because I have not the power of language to do so.

Mr. SUTHERLAND. I am just as much opposed to the leasing system as ever.

Mr. LITTLE. If you are or if any other man is opposed to this system, now is the time to meet it and serve a rebuke to those who grant these leases.

Mr. SUTHERLAND. We are trying to get rid of them on this reservation.

Mr. LITTLE. Yes; and I believe unless you vote with me you will never get rid of them, because I have no doubt, and neither have you, that the assent of these lessees is necessary in order to make any contract or agreement with the Indians upon that reservation, and I believe that you ought to be with me; that these parties who have been able to influence, to say the least, the local employees of the Government at that agency have been able to stay the purposes of the Government in opening up these reservations, and now by this amendment they are to be bought in by giving them all they demand.

Now, I will read the letter dated March 13, 1899, sent by the same Mr. Harper. He begins "My Dear Jim." Now, "My Dear Jim" has been a sort of lost entity to me for some time. It lies between two Jims. I will not charge particularly which one of the Jims it is, as I do not know. It begins "My Dear Jim," and is as follows:

MY DEAR JIM: I am informed that Timms, the man who claims to have a sure hold on the lease if he can secure a permit to go on the reservation, left here last night ostensibly to go West to look after some other business, but I am quite sure he expects to make a dive for the agency. He has been working through Dr. McDonald, and we concluded it best to have doctor given a "change of base" for his health. I wrote to Myton to wire me when doctor goes.

This man Timms has the prior claim for the right to go on the reservation, as his application has been in for a year or two. Hence it is embarrassing to the Department to turn him down, if he is a responsible party. However, it may be necessary for a permit to be given him first. In that case it will be necessary for us to "knock" him until he is out of the way; hence demonstrating that he can not get the lease. At the same time I am a little afraid of that, and prefer that Miller and you boys go ahead independent of permit and try and get the lease, provided you think that best; you are on the ground and know best.

If I find the Department gives Timms a permit I will try and have them grant the same to all applicants. In that case we will have to fight it out and take our chance.

Saturday I was appointed special allotting agent. From now on I will have nothing more to do with the lease matter, publicly. However, it may be found essential (?) that I should accompany Mr. Graves to the reservation to assist in determining which of the proposed ditches will be best for the dear Indians. Do you suppose I can judge that matter correctly?

As I understand the matter, nothing further can be done until Mr. Graves makes his report. Then the Secretary will grant the permit as he deems best. I do not know how soon Mr. Graves will go out there, but I presume it will be a month or six weeks before he gets there. In the meantime have the proper papers duly filed with the Land Department, etc., as I wrote you in my last.

Am just in receipt of the following wire from Judge Thoman, Chicago: "I carry a very important private letter to you; can you meet me in New York Wednesday? Answer quick." My reply will be that I can not meet him there. If important, come here. I am not running after that bluffer.

Sincerely,

HARPER.

Now, where Mr. Harper gets his authority to change men from pillar to post for their health when the application for great mineral leases are pending I will let the other gentlemen explain, if they can. It will be seen that Harper has been appointed a special allotting agent, and will have nothing more to do with the leases publicly. I do not know where the live wire that is sometimes used hides itself in these matters, but that these parties believed themselves in control seems certain.

Mr. LESTER. Who appointed him?

Mr. LITTLE. I read an extract from a letter of March 14 by this same "Dear Mr. Harper," addressed to "My Dear Mease." It is as follows:

Taking all these matters into consideration we came to the conclusion that the only thing to do is to hold back until the Timms crowd have had their chance and failed. Consequently, to-day I wired Appleman at Denver and asked if Miller had left; and if so, when. The reply just received is that "He left last night; can catch him at Price." Still, after consultation, we concluded it best to let him go on to the post, where he can confer with you, Myton, and McA., and be the better posted as to the manner of procedure.

Then when you get this wire from McKay that you are ready to take care of Timms—that is, head him off when he comes—and if you are ready and sure you can knock him out, and we will see that the permit is granted him at once, giving him thirty days to make the trial. Just as soon as he gets through, then a permit will be granted Miller and he can go ahead, thereby getting Timms & Co. out of the road and leaving the way open for us to make arrangements to get his, or, rather, Ryan's assistance here. It is our opinion that it will be best for Miller to be away while he is there, so that they can not make the claim that he interfered with their chances.

Miller might run over to Vernal or out to Salt Lake, under which and all circumstances all expenses will be met by the crowd. However, we leave the question of his staying on the ground to your judgment. Only do not forget that we must not put any officer in the hole by anything we may say or do. I know that it will look bad to have to put it off and take a second chance, but we must consider not only the matter of securing the lease but getting it approved; at the same time protect our good official friends. It occurs to me that you may wish to use the word "Timms" quite a little, so I have entered it in the cipher code, top of page 86, after word "Jaundice." Please make like entry in the code I sent you yesterday, so that in wiring the word "Jaundice" will mean "Timms."

I see that the White Rivers are getting ugly, and I presume that they will not be willing to talk lease to anyone until they are given some attention as to their Colorado land. It occurs to me that it might be a good idea to have a contract ready, with some good attorney, to present at the same meeting Miller expects to capture, and, by thus showing them that the Department is looking after that matter, get them in better spirits to consider and favor.

10. In no event shall the United States or the Secretary of the Interior in

ably act on our matter. Let me hear your opinion on that matter, and if you agree with me, will try and have it so arranged. There is no doubt but that Major Bryan will have the sanction of the Department to secure the contract, and if you think best, will have him send his contract on for action at that time.

As you have the cipher code, I guess you can pick out quite enough to at least mystify the operators and yet keep matters cleared up with us, and thereby keep in much better touch.

Address Col. N. McKay, and recognize all wires signed by him as the same as signed by me.

Sincerely,

HARPER.

Be sure and have a good conference over all these matters with Myton and McAndrews, so that no move is made without the clear understanding of all.

HARPER.

But I see my time is rapidly coming to a conclusion, and my colleague on the committee wants to be heard, and I can not pursue this evidence further.

Mr. SUTHERLAND. All the letters are from Harper, and all are addressed to "Dear Jim."

Mr. LITTLE. That is "Dear Jim Mease," as I understand.

Mr. SUTHERLAND. There is no misunderstanding about that.

Mr. LITTLE. He seems to have been first taken in on the ground floor of this proposition, and when they kicked him out he fulfilled the old adage where certain characters fall out and fight and honest men get their dues. That is what I understand. Let us see what they are going to get under this conference report. How much time have I remaining, Mr. Chairman?

The SPEAKER. The Chair thinks the gentleman has thirty minutes remaining.

Mr. LITTLE. Thank you.

Mr. SUTHERLAND. I would like to ask the gentleman a question for information, and that is if he knows with reference to the Raven Mining Company, that is permitted under this amendment to locate a hundred mining claims, whether or not the Raven Mining Company has for the past three years been in possession of more than a hundred mining claims, and that they have invested more than \$200,000, and from that investment they have not been able to make anything?

Mr. LITTLE. I supposed that my friend and the company's friends knew that the Raven Mining Company have practically been in possession of the mineral part of that reservation and that they have located their claims.

Mr. SUTHERLAND. I know another fact in reference to that; that they have expended more than \$200,000, and that they have not received in return to exceed \$30,000. In other words, the work on the mineral claims has been a complete failure.

Mr. LITTLE. Now, my friend can use his own time in that line. You have stated that they have invested \$200,000. Have you any official or detailed statement of what it is? They do not come and ask the right to reserve any particular mining claim, covering improvements, but under this provision they will have a hundred mining claims, and they have the right to locate them up to the time of the consummation of this agreement—the 30th of September, 1903.

My friend understands that. They do not have to hold the claims already located, but they can go on and string out this hundred mineral claims along any line that they see proper on the reservation and abandon those they now have. Not only that, but here is the Florence Mining Company. What has it invested? You can tell probably as well as I can. If you will read this correspondence you can probably see where some of it, at least, has been invested.

What vested rights have they? Why should the Florence Mining Company have the right to be on the reservation with any privilege there or right over miners and prospectors that want to go into that reservation with a view of locating mineral claims? These leases to the Raven Company and the Florence Mining Company, to which reference has been made, have but little equity behind them. I have been informed that the provision as to the one is the same as the other, and their leases are subject absolutely to the right of Congress to open these reservations at any time. Is that correct, I will ask the gentleman from Kansas?

Mr. CURTIS. I do not know.

Mr. LITTLE. I think you stated that you had extracts from the lease.

Mr. CURTIS. No, sir; I did not state that I had extracts from the lease.

Mr. SUTHERLAND. That is correct. I have examined the lease.

Mr. LITTLE. I have already stated to the House the provisions in part, but will read them in full. They are as follows:

8. All rights are reserved to the United States and to the Indians on said reservation to make and accept allotments in severalty for the benefit of said Indians at any time in the future of such lands within the boundaries of this lease as may at any time be deemed by the Secretary of the Interior suitable for agricultural purposes.

9. This lease and all rights and privileges thereunder are made and accepted by the party of the second part, its successors or assigns, subject to existing law or laws, and any law or laws hereafter enacted pertaining to the said reservation.



his official or personal capacity be liable in damages or otherwise under the provisions of this lease in connection therewith.

11. No Member or Delegate to Congress, officer, agent, or employee of the Government shall at any time be admitted to share in this lease or in any wise derive any benefit therefrom.

12. In the event of the extinguishment, with the consent of the Indians, to the Indian title to the lands covered by this lease, then and thereupon this lease and all rights thereunder shall terminate.

They went in there knowing this fact. They accepted this lease upon these expressed conditions, and if the Florence Mining Company has ever made any investment nobody has ever heard of it. I do not believe that the Uintah Reservation belongs to that class of reservations authorized to be leased under the act of 1891, because I think it belongs to the class of Executive-order reservations; but whether I am right or wrong, so long as these leases can be maintained there the result would be that these companies can use these privileges for the purpose of defeating the Government in its purpose to open up this land for public settlement.

I believe apart from the righteousness or unrighteousness of these two leases that this proposition ought to be rejected. Congress has the power to negotiate with these Indians, and if these companies interfere the Government ought to use its power and eject them; but it simply amounts, in my opinion, to this, that the Government of the United States is practically to-day held up by these leases, by the power of the Raven Mining Company and the power of the Florence Mining Company.

They say, in effect, to this Government: "Recognize our leases, give us these privileges at the expense of the rights of other people, and then you can get the consent of the Indians to open these lands. If you do not, you can not get it." I protest that it is wrong; I protest that the policy is venal in itself. It leads to corruption of the lower officials of the Government; it leads to the exercise of improper influence over the Indians; it makes mendicants of the Indians, and counteracts the efforts of the Government to make self-reliant citizens out of them.

The Government ought to open these mineral lands, and, if Congress thinks it right, the Indians should be paid for them; but when they are open, they ought to be open for the settlement of the honest prospectors and laborers of the country. They ought to be opened upon equal terms for all. We ought not by this manner of proceeding to permit these companies to go in and get the cream of the reservation; and then my friend from Utah, who is to defend them, is willing to stand up here and advocate that they are to have these on the ground of vested rights, because he hopes thereby to get the consent of the Indians to open the reservation.

It is an outrage upon the people of this great country. It is an outrage upon Congress. I believe it is due to the House that it should have the right to consider and dispose of the proposition in a legislative way. I did not consent to the report, and I would not do it. I could not approve of it in any particular, for I believe it is pernicious and wrong. I believe it thwarts the wise purpose of the Government to open these reservations to settlement, preserving the rights of the Indians whether these reservations are opened by agreement or by act of Congress.

Therefore, Mr. Speaker, I have not been able to give my assent to this proposition. I could not do it. I do not believe if there was a proper investigation that this measure could go through. Resolutions have been introduced but no investigation has been made, but I believe there is enough now here before us to show a state of things that justify the House in rejecting this report. In so far as the local officers on the reservation are concerned, the agents and others, you will find that they have consolidated their interests.

I hope, Mr. Speaker, that this report may be rejected. I am willing to join any man on any proposition in this bill if thereby we can overthrow this report. It is due to the House that it be done. I believe that it is due to this legislative body that this report be rejected in order that this provision may be legislated upon properly. I urged that a partial report be made to the House for that purpose, but I did not succeed. Now, Mr. Chairman, I reserve the remainder of my time. [Applause.]

Mr. SHERMAN. Mr. Chairman, how much time is remaining to the gentleman from Arkansas?

The SPEAKER pro tempore (Mr. RAY of New York). Twenty-three minutes.

Mr. SHERMAN. I now yield to the gentleman from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Speaker, I am quite as much opposed to the general system of leasing Indian lands as the gentleman from Arkansas. I believe it is a bad and vicious system. It has led to great abuses in the past and will lead to abuses in the future. But, Mr. Speaker, the proposition we have here is not to perpetuate leases but to get rid of some of them and open up one of the great Indian reservations of this country to settlement, so that in the future there shall be no more leases granted upon that reservation. We propose by this amendment pro tanto to get rid of the leasing system.

Now, Mr. Speaker, there are but two leases that are affected by this amendment. The language of the bill, it is true, is general. It provides that before the reservation is thrown open to settlement those persons who have permits or leases for mineral lands shall have the right to locate 640 acres, except the Raven Mining Company, which is given the right to locate 100 mining claims. As will be shown by the records and files in the office of the Secretary of the Interior, there are but two companies that are concerned—one is the Raven Mining Company and the other the Florence Mining Company.

I want to call the attention of the House, first of all, to the fact that almost since the day that this Congress opened the members of the Senate and House from the State of Utah have been devoting more or less time to this very question. It has been considered by the Senate committee. They have held session after session on this identical question. That committee has had before it every one of these letters which the gentleman has read, and many others which he has not read. They have made an exhaustive investigation of this subject.

Senator RAWLINS, a Democrat, is a member of that committee. He agreed to this conference report and this amendment. The other Senator from my State, a Republican, also agreed to it, and I have agreed to it myself. Every Representative from that State in Congress has agreed to it as being the very best thing to do under the circumstances. We have agreed to it with a full knowledge of all the facts and circumstances surrounding these leases. And if we are to be conceded honesty of purpose, it seems to me that our judgment ought to be quite as good as to what is best to be done in that State with this reservation as the judgment of the gentleman from Arkansas or gentlemen from any other State.

Mr. McRAE. Does the gentleman from Utah advocate the passage of this amendment because he thinks it is right, or because he can not get anything more?

Mr. SUTHERLAND. I will answer the gentleman, and answer him fully, but I wish to do it in my own way. The Raven Mining Company has the largest concession, and I wish to discuss that first—to discuss its attitude and its relations toward this reservation and toward this amendment. The Raven Mining Company procured its lease about three years ago. I think the exact date is November 26, 1898. It is a lease covering the elaterite deposit on that reservation. It has no reference whatever to the precious minerals; it is confined simply to that one class of mineral.

Now, elaterite is a mineral belonging to the hydrocarbons, and thus far has produced comparatively little commercial profit. It is not like asphaltum. It can not be used for street paving. But this company has taken hold of this matter, and for these entire three years has been experimenting with this substance to find some way of dissolving it and making it commercially valuable and profitable. This company has spent thousands and thousands of dollars in that one direction—in making experiments.

I will give the House some figures later on as to what this company has done. In round figures, it has spent nearly \$250,000 in the way of improvements upon the grounds, in the way of work upon the various mines, in the way of experiments, in the way of salaries of officials, and so on. It has spent this enormous sum of money in attempting to develop this mining industry under its lease. It has received in return, as shown by its books, less than \$30,000; so that there has been an enormous expenditure of money and comparatively small return.

Now, this company took this lease in absolute good faith, so far as I am informed. I know nothing that could in any manner challenge the good faith of the Raven Mining Company. It procured its lease in the ordinary way. First, it had a permit from the Secretary of the Interior to go upon the reservation, to negotiate with the Indians, and to procure their consent to the lease. Later the company secured the signature of the Secretary of the Interior to a lease of all the elaterite lands on the reservation. Under that lease the company went into possession.

Now, whatever may be said by way of criticism on this policy of leasing the Indian lands; whatever may be said in reference to its legality—and I have a pretty positive opinion upon that subject, which I have heretofore expressed upon this floor—whatever may be said with respect to those matters, the Raven Mining Company has proceeded under the law as it has been interpreted by the Department and by the courts and is equitably entitled to protection. It is not to be held responsible because the Government has adopted a policy which my friend from Arkansas believes and I believe to be a bad and a vicious policy.

Mr. STEPHENS of Texas. Does not the gentleman think that the Raven Mining Company, under section 12 of their lease, will be estopped from claiming that they have any vested rights? That section reads as follows:

12. In the event of the extinguishment, with the consent of the Indians, to the Indian title to the lands covered by this lease, then and thereupon this lease and all rights thereunder shall terminate.

Mr. SUTHERLAND. There is no doubt about that provision being effective.

Mr. STEPHENS of Texas. Now, is it not a fact that under that provision we are authorized to open up that Indian country?

Mr. SUTHERLAND. Yes.

Mr. STEPHENS of Texas. Then why not terminate such leases in pursuance of our authority to do so?

Mr. SUTHERLAND. This company has taken possession of these lands in absolute good faith and has rights and equities that ought to be respected. I have been stating facts which go to sustain this position. The company has spent \$250,000 there; it has erected its buildings upon the mines; it has spent vast sums of money in developing these mineral deposits; it has surveyed and located its claims; and I submit that if we are to throw open this reservation that company is entitled to some consideration; it has some equities in this matter, in view of all the circumstances.

Now, this company has been given the right to locate 100 mining claims. Some gentleman here, when that statement was made, seemed to think that was a great number of claims to permit this company to locate. These claims under the mineral-land laws can not exceed 20 acres. They are lode deposits and must be located under the quartz-mining laws of the United States, under which no claim can exceed 600 feet in width and 1,500 feet in length. They may be and, in many instances, probably will be much smaller, because the company will not care to locate and pay \$5 per acre for barren, worthless land; and the mineral veins themselves can be covered and protected within narrower limits than 600 feet.

So that at the very extreme these claims could not exceed 20 acres each, which would be at the very outside 2,000 acres altogether. Now, as a matter of fact, they have located 194 claims, which would probably exceed this in acreage. We are cutting them down to an even 100 claims. They lose 94 anyhow. The gentleman says they may go upon the reservation and locate other claims than these they have already taken possession of. It is not likely that this company, having already located certain claims, having already spent large sums of money in developing those claims, having already excavations and buildings upon them, would go out into the reservation and take virgin ground.

They have been prospecting that reservation for three years; they have been all over it. Presumably they have located substantially every deposit of that character that they have been able to find since they have been there. We cut them down to this number, and it does seem to me that a mere statement of the fact, as far as this Raven Mining Company is concerned, shows that it is entitled to equitable consideration. This lease, if the reservation is not opened, would continue for something like seven years. During that seven years the company could probably get some return for this money that it has expended. If we throw open the reservations without giving them any rights at all, then we simply condemn them to this perpetual loss of over \$200,000.

Mr. LITTLE. If the gentleman would not object to an interruption, I would like to know something about the equities of the Florence Mining Company.

Mr. SUTHERLAND. I will discuss that in a moment.

Mr. SMITH of Kentucky. Will the gentleman permit a question?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Kentucky. How long do these leases continue?

Mr. SUTHERLAND. They are ten-year leases.

Mr. SMITH of Kentucky. Does this bill undertake to prolong them in any way?

Mr. SUTHERLAND. No. It undertakes to give them the preferential right to go on the reservation and make locations. In other words, it gives them the right in advance of any other citizen to locate these claims under the mining law and purchase them from the Government. Of course they must pay the Government for the land at the rate of \$5 an acre, and that \$5 an acre goes into the Treasury of the United States for the benefit of the Indians.

Mr. SMITH of Kentucky. It does not extend the period for which these leases are operative?

Mr. SUTHERLAND. No; it gives them this right—

Mr. STEPHENS of Texas. Would not the passage of this bill terminate these leases?

Mr. SUTHERLAND. I have said two or three times it will terminate this lease in any event, but we give them this right in recognition of their equities there, in recognition of the fact that they have gone there in good faith and spent this enormous sum of money. Now, let me call the attention of the House to some figures on the subject, and I want to say to the House these figures are taken from the books of the company furnished to me by an officer of the company.

Mr. STEPHENS of Texas. What is that?

Mr. SUTHERLAND. The Raven Mining Company.

Up to January 1, 1902, they had expended \$205,628.60 in the following manner:

Real estate.....	\$11,405.29
Machinery at factory and mines.....	16,825.27
Warehouse, premiums, supplies, royalties, expense, salaries and labor at mines.....	47,009.35
Salaries and labor at factory.....	42,923.98
Freight, improvement, fuel, and teaming.....	23,448.44
Experiments and chemists.....	37,067.72
Expense.....	27,448.55
	\$205,628.60

From January 1 to May 1, 1902, their expenses were \$41,123.31, disbursed as follows:

Buildings.....	\$5,000.00
Machinery.....	7,393.03
Freights.....	3,041.38
Mills.....	1,635.55
Development and labor at mines.....	4,044.80
Labor and salaries at factory.....	10,108.62
Freight, fuel, and expense.....	9,929.83
	41,123.31
Total.....	246,751.91

Mr. STEPHENS of Texas. Will you give me the names of the officers or stockholders of that company?

Mr. SUTHERLAND. I can give you the names of some of them. Charles F. Pfister, of Milwaukee, I think, is president; at any rate he is a member of the company. John T. Beggs, who is the president of the railway and electric-lighting system of Milwaukee, is another. The Bigelows, of the First National Bank of Milwaukee, Cyrus H. McCormick, Capt. O. H. Morgan, Mr. W. S. Potwin, Mr. B. C. Chambers, George R. Sheldon, and Mr. Gilbert Tolman are gentlemen who are connected with this company. These are all I know of. There may be others.

Now, there is another phase of this matter that will apply to the Florence Mining Company as well as to this. Of course, when this reservation is open, the mineral lands are thrown open to entry and location under the mining laws of the United States. Any prospector has a right to go there and make a location; so that the Raven Mining Company, if it were not given this preferential right, would still have the right to go there and make locations if it could get there in advance of other locators.

It is to be presumed that this company, already being thoroughly familiar with the situation, already being upon the ground—and nobody else having the right to be on the ground, everybody else being excluded from the reservation until the actual day of its opening—by the exercise of superior diligence could probably make location of its claims; so that in all probability we are not giving them anything that they would not be able to get by the exercise of superior diligence for themselves.

Mr. STEPHENS of Texas. Does not this give them two years in which to locate those claims on a certain reservation a great many miles square.

Mr. SUTHERLAND. No; it does not give them two years, as I remember it.

Mr. SHERMAN. It gives them until September 1, 1903.

Mr. SUTHERLAND. It will be a very short time after the opening of the reservation has been provided for.

Mr. STEPHENS of Texas. Is it not a fact that the ordinary prospector has sixty days only in which to pay his assessment work of \$100? The ordinary individual—any prospector in the West—how long does he have to locate his claim in order to have it recorded and do his assessment work?

Mr. SUTHERLAND. There is no provision in the laws of the United States fixing the time for recording a notice.

Mr. STEPHENS of Texas. Well, in your State?

Mr. SUTHERLAND. That differs in different localities.

Mr. STEPHENS of Texas. About sixty to ninety days?

Mr. SUTHERLAND. No; it is not fixed at any definite time. In some of the districts the by-laws may provide for the record being made within thirty days, others within sixty, and so on.

Mr. STEPHENS of Texas. Do you know of any longer than ninety?

Mr. SUTHERLAND. I can not call to mind any. But this is not a mining district.

Mr. STEPHENS of Texas. Why give these people so great an advantage over the individual miner?

Mr. SUTHERLAND. Well, I have been standing here and trying to show for ten minutes why these gentlemen have equities there that the ordinary miner has not. These gentlemen are entitled to some consideration because they have spent this enormous sum of money without any return; they are entitled to some consideration because they have erected buildings that if somebody else is permitted to take the claims will pass away from them; they are entitled to more consideration than the stranger or adventurer who goes there.

Mr. SHALLENBERGER. I would like to ask the gentleman if he has any information as to the probable extent of those beds and as to whether these 100 claims would probably take the entire deposit?



Mr. SUTHERLAND. I have some information on that subject, and I am very glad that the gentleman called my attention to it. I intended to speak of it before I got through, but I will speak of it now. These deposits of elaterite are in comparatively small veins. The largest vein they have discovered there, as I am credibly informed, does not exceed 14 inches in width. Upon that vein they have been working, and it has narrowed down in places to 5 inches in width, and it may in further development pinch out entirely and nothing remain.

That is the largest, and from that the deposits go down until they have not even the thickness of an inch. They have attempted to make locations upon these with the hope that they may develop sometime. This particular substance, before it can be made of extensive commercial value, must be experimented upon still further. The company has laboratories at Chicago, and is employing chemists to find out what can be done with it. They are endeavoring to find out whether it is of any great commercial value.

Mr. SHALLENBERGER. Is it not a fact that there are several processes already discovered for converting this material into a commercial product—some of them held by the Raven Company and some by other companies?

Mr. SUTHERLAND. Well, there are some processes by which they make this material into a substance which they market; but as I am informed—I am only speaking from the best information I can get, and not speaking as an expert—they have not reached a point where the product can be made in such quantities as to pay for the cost of extraction and shipping it to the market. It costs an enormous sum of money to take the material to Chicago. In round figures it costs about \$35 a ton to lay this material down in the city of Chicago, and only about 60 per cent of it is available when that is done.

Mr. SHALLENBERGER. Is it possible to manipulate this lease by one company, which has also one process of manufacturing the commercial product, to the point of monopolizing that product, and destroying the value of the other man's commercial process?

Mr. SUTHERLAND. I do not know of any other than this.

Mr. SHERMAN. Are there not some of these same deposits on the Uncompahgre Reservation?

Mr. SUTHERLAND. They are different. These are small deposits of elaterite. Those on the Uncompahgre are gilsonite, so called.

Now I submit, therefore, that this company is entitled to some consideration at our hands, because of what they have done there.

Mr. COWHERD. If the gentleman will permit me, have rights been granted to any other companies or individuals to go in there besides these two companies—the Raven Mining Company and the Florence Mining Company?

Mr. SUTHERLAND. As to that I do not know.

Mr. COWHERD. What reason is there that these two companies should be given that right and it should be refused to others?

Mr. SUTHERLAND. I can only state that the Secretary of the Interior stated to me that everybody had equal opportunities—every man who showed ability to take care of a proposition of this kind, and who could satisfy the Secretary of the Interior of that fact, would be given the right to go there and negotiate with the Indians.

Mr. COWHERD. A great deal has been read here about their keeping other people out or not allowing them to go in there.

Mr. SUTHERLAND. A series of letters have been written by a man, a clerk, an understrapper of the Indian Department, an adventurer. I do not know who he was or anything about it, except as appears from the letters. A certain series of letters that he wrote to Mr. Myton have been read. He and some others were negotiating for a permit. Well, now, it is to be expected that there will be attempts to influence the officials, and there will be schemes and jobs upon the part of such men so long as this system of leasing Indian lands prevails.

Mr. STEPHENS of Texas. Is Myton still the Indian agent?

Mr. SUTHERLAND. He is still agent.

Mr. STEPHENS of Texas. He is one of the men?

Mr. SUTHERLAND. He is one, and this man Harper is another.

Mr. STEPHENS of Texas. He is one of the men that urged these leases?

Mr. SUTHERLAND. That I can not answer.

Mr. STEPHENS of Texas. I will ask if he is not one of the men acting in good faith, and who has vested rights that are not to be interfered with?

Mr. SUTHERLAND. I do not believe Mr. Myton has any interest in the Raven Company. If he has any connection with the Florence Mining Company I do not know anything about it.

Now, so far as the Florence Mining Company is concerned, that company has obtained a permit to go out and negotiate a lease with the Indians. They have come back here and have reported to the Secretary of the Interior that they have negotiated with

the Indians and have obtained their consent. If they are allowed to make their selections they will get 640 acres of land, which would give them 32 mining claims.

Now, as to these precious metals, I want to say further that I am more or less acquainted with this reservation, and I do not take any stock in these stories that they are going to find great metalliferous deposits out there. The gentleman from Arkansas has mentioned the prospecting that has been done out there by a man named Rhodes. I know something about these wild stories of the wonderful gold deposits claimed to exist there. Some years ago a man by the name of Rhodes claimed to have discovered gold in the reservation.

I have been told that Rhodes was a miner in California, and when he came to Utah in early days he brought some gold nuggets there, and that when he went out prospecting he went to where he had them cached, and on his return said that he had obtained them from the reservation. I have been told by men who have gone all over the reservation that in their judgment there was no gold or silver deposits upon the reservation of any consequence whatever. As to this I do not know, but I doubt the existence of any great deposits of the precious metals.

However that may be, the Florence Mining Company claim to have obtained the consent of the Indians to their lease, and undoubtedly upon the showing that has been made to the Secretary of the Interior, if this bill does not pass, he will approve the lease, and if he approves the lease the company would have 640 acres of land for ten years.

It seems to me, furthermore, that in view of the fact that they are already familiar with the situation there; in view of the fact that they have their agents who are more familiar with whatever there may be on the reservation than anybody else, they would be able to make their locations in advance of others whether we confer this right upon them or not; and therefore by conferring it we are not injuring any other person. They say they have spent a considerable amount of money in this enterprise—organizing their company, sending people out to negotiate with the Indians, going over the reservation, and work of that character—and if so, they are entitled to some consideration upon that account.

Now, it seems to me, as I said in the beginning of my remarks, that we are not by this means perpetuating the leasing system. We are getting rid of it so far as this reservation is concerned. Unless you adopt this amendment, then nobody knows how long it will be before this reservation can be opened. There are only about 800 Indians upon it. There are 2,000,000 acres of land, a large proportion of which is capable of cultivation.

It is one of the best-watered spots in the West. It is capable of supporting many thousands of people, and it seems to me it is nonsense for anybody to stand in the way of opening that enormous body of land to the settlement of the people, where homes may be built and farms created in the place of the wilderness and the solitude, for the mere sake of preventing these companies from purchasing this comparatively insignificant quantity of land.

Mr. LITTLE. Why has it not been done heretofore; because these companies have interfered?

Mr. SUTHERLAND. It has been so charged. It has been said that people interested in getting leases have always stood in the way; that they induced the Indians not to consent to it. It is to be presumed that people who negotiate leases in the future may do the same thing, but this measure does enable us to get rid of that condition, open their reservation, and we may not be able to open it in any other way.

So far as I am concerned, so far as the Representatives from my State and the people of my State are concerned, they want to open these lands to settlement. They want farmers to come in; they want them to enter the land, to divert or utilize the streams, and to establish homes and communities. They are not paying much attention to the wild stories about great gold mines. They want to redeem and reclaim the country, and it seems to me we ought not to refuse to pass this bill, and thus condemn the land to the perpetual occupancy of eight or nine hundred Indians who will condemn it to uselessness and idleness.

They have granted leases to stock men upon it, and in the leases of the stock men there is the same provision that is in the mineral leases, that they shall terminate when the reservation is open. The stock men have made no improvements on the land—it would have been impracticable to do so—and so we have not included them in the operation of the bill.

The chairman of the committee calls my attention to another fact that I want to mention. It is true that some years ago, before these leases were granted at all, the Indians rejected an overture of a commission that was sent out with a view to getting their consent to open the reservation. But my judgment about it is that it is a fact that the people who have negotiated for these leases have since that time intensified their objection, and may do so in the future. This amendment gets rid of this stumbling-block in our way, and under its provisions I confidently believe

we shall succeed in obtaining the consent of the Indians and the opening of the reservation.

Mr. LITTLE. Mr. Speaker, I now yield to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I shall not occupy much time, but I want to indorse fully and completely the argument made by my colleague, Judge LITTLE, showing why this report should not be adopted. It has developed during this discussion that two corporations, by questionable methods and of doubtful legality, have secured leases for 2,640 acres of mineral lands in an Indian reservation, and this report confirms them.

Now, if that is true, the House owes it to itself to vote down this report and say to the conference committee that these companies can not secure this valuable privilege in this way. Time and time again we have refused to permit these gilsonite lands in the Uintah Reservation to pass into the hands of a monopoly. Repeatedly we have refused to even open it up under the general mineral laws, because it was believed in the judgment of the House to be too liberal for such mineral as had already been discovered. And yet here, after these repeated efforts to save this reservation from monopoly, it is now proposed to legalize leases that were issued contrary to law.

Now, I know nothing whatever of the value of the mineral rights on this reservation, but I do know that the House ought not to ratify leases in this way. By the very terms of the lease read it is provided that if this reservation should be opened the lessee should take nothing by reason of the leases. They can not then insist that they did not make the lease with the understanding that Congress had the power to declare this reservation open under the public-land laws or with any limitations it might see fit to make. The most that ought to be done is to open the reservation under the public-land laws and let these companies secure, with other citizens, whatever they can of the reservation, and so far as I am concerned, I have always opposed that purpose. Yet we are confronted with the proposition of confirming leases which the gentleman from Utah is unwilling to say were made by any authority whatever.

Why, sir, the testimony in the case shows that those who monopolized them had entered into a conspiracy to obtain them. They adopted a code by which they could communicate by letter or wire without being detected as to the propositions pending and the names connected with them. Yet we are asked here to adopt a conference report which has never been printed and which no member of the House, except the members of the committee of conference, knows anything whatever about—a report confirming leases that are not in the possession of any member of Congress—that have only been read by two or three members.

This is a reckless way to legislate, and one, Mr. Speaker, that may bring shame and disgrace upon the House. The proper course is for us to send back the report with instructions to eliminate from it the ratification of these leases. Let us leave them where we find them. If necessary, let us leave the reservation as it is. If it can not be opened honestly and fairly, without confirming these illegal leases, then leave it as it is.

The gentleman from Utah [Mr. SUTHERLAND] promised to answer me whether he joined in reporting this proposition because he believed it right or because he could not do anything else; yet with ample time at his disposal he took his seat without any reference to my question. He knows as well as I do that this proposition is a bad one. He can not defend it upon any other ground than that there are influences behind it that will not enable him to do what ought to be done.

[Here the hammer fell.]

Mr. LITTLE. Mr. Speaker, in conclusion, I desire to submit only a few suggestions in addition to what I have already said. I find that the first application for this permit of the Florence Mining Company was dated March 15, 1899. In this application this company, through its president, Henry C. Payne, asks the privilege of negotiating a lease with these Indians and submits its reasons why such a lease should be granted. It is as follows:

CHICAGO, ILL., March 15, 1899.

SIR: The Florence Mining Company, a corporation of the State of New Jersey, respectfully makes application for a permit to negotiate with the Uintah and White River Ute Indians for a mining lease on that part of the Uintah Reservation lying north of the Strawberry River, the said lease, if negotiated, to cover all of the minerals found in and upon that part of the said reservation.

Very truly, yours,

THE FLORENCE MINING COMPANY,  
By HENRY C. PAYNE, President.

THE COMMISSIONER OF INDIAN AFFAIRS.

On October 10, 1901, I submitted another application for a permit to negotiate this lease. I will read an extract from a statement addressed to the Secretary of the Interior and signed by Joseph K. McCammon, attorney for Mr. Timms and others connected with this company:

In the meantime a considerable number of requests were made by other parties for authority to make mining leases on the Uintah Reservation. Believing that it would be to the convenience of the Department in respect of

control and supervision, and knowing that it would be greatly to the interest and advantage of the Indians, all the applicants consolidated their interests, and on January 27, 1900, the Florence Mining Company, as now constituted, was organized. The said company was organized and incorporated for the sole purpose of operating a mining lease on the Uintah Reservation should one be obtained. It has, we are informed, no connection with or interest in any other mining company or any other mining lease, present or prospective.

Now, Mr. Speaker, let me say in conclusion, it is no pleasure to me to criticize or impugn any officer of the Government, high or low. But when it comes to such a proposition as is indicated by the saving clauses in this amendment in this attempt to open this reservation, I think it deserves the opposition of us all. I believe this proposition ought to have been brought before this House. I believe it was the duty of the conferees on the part of the House to do that, so that the action of the committee with reference to this particular subject might be debated, rejected, amended, or agreed to.

I would not under any ordinary circumstances ask the House to overturn a completed conference report. But in view of the one hundred and odd disagreements in this bill finally agreed to in conference and after reaching this extreme piece of legislation I did not believe it to be my duty toward the House or toward those whom I represent here to acquiesce in this report. Of course I do not care to criticize my colleagues on the committee, who acted upon their own judgment.

But, sir, I believe it my highest duty to insist upon the position I now take in asking my fellow-members to overturn this report and send the matter back to conference. This action need not delay the bill to any great extent; and it may be the means, it ought to be the means, of bringing this legislation absolutely within the control of the House, either by reported agreement or disagreement on this amendment by the conference committee, so that the House may act upon it separately.

The whole system, as indicated in this proposition, is wrong; it is absolutely pernicious to cover up these lands by leases of this character. It stands in the way of the settled and determined policy of the Government to open these reservations, reserving homes for the Indians and protecting their rights.

I have no doubt that the very fact of permitting these applications has stopped the opening of this reservation for six years; and now, if we confirm these two leases we in effect say that unless the rights claimed by the lessees are conceded to them, although to grant those rights would fly in the face of those very permits and leases which provided that they should not stand in the way of opening these reservations by the consent of the Indians, we stand here simply, as I think, "held up" by these leases in the face of the provisions contained in them.

I can appreciate the position of the gentlemen from Utah, who bend everything to their anxiety to have this reservation opened. I know its importance to them and their State. I believe it right that the reservation should be opened. But I do not believe that we ought to submit to the provisions of this amendment by adopting this character of legislation at this time and in this way.

With this precedent established, we will meet its bad effects in every effort we may make in the future to open mineral reservations to settlement under the public-land laws of the country. Those seeking the special privileges of leasing these lands will stand in the way. They will influence the local agents of the Government in their interests, mislead and impose upon the Indians, and stand as a barrier to the humane policy of the Government in individualizing the Indian and leading him on toward individual and independent citizenship.

Therefore I have urged my opposition, and I shall leave it to my colleagues on the floor of this House to vote as they please about the matter. Now, Mr. Speaker, not desiring to use more time myself, I desire to yield to my colleague on the committee [Mr. STEPHENS of Texas] such time as may remain to me and he may want to use.

THE SPEAKER. The gentleman from Texas has ten minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to enter my protest against this kind of legislation.

Mr. GILBERT. What kind of legislation is it? There are a good many of us who do not quite understand.

Mr. STEPHENS of Texas. There is ingrafted on the bill under consideration—the Indian appropriation bill—an amendment which provides for leasing the Uinta River Indian lands in the State of Utah. These lands are supposed to contain valuable mineral deposits; in fact, it is known that there are valuable mineral deposits on this reservation. Leases have heretofore been granted by the Interior Department to two mining companies, the Florence Mining Company and the Raven Mining Company.

As we believe, political, if not corrupt, influences have been used in the Interior Department, through some means, we know not what, to secure these leases; but in the face of the leases we find a provision that they shall terminate when this land is opened for settlement. This amendment opens these lands for settlement



and would terminate and set aside the leases held by the Raven and Florence mining companies and restore all mineral lands in the reservation to the public domain, so that individual miners and prospectors could locate their mineral claims thereon under the United States mining laws. This is exactly what I think should be done. But if this whole amendment becomes a law these mining companies will have the right, as I understand the reading of it, to hold the claims they have now for ten years. It gives an extension of ten years' time to these companies from the moment that this amendment becomes a law.

I protest against the passage of this bill for the reason that this is an entering wedge to a new policy to be inaugurated by our Government. Heretofore it has been the policy of this Government to turn over the minerals in the public lands to the discoverer or mining prospector under the mining laws of the United States. The man who goes to the West for the purpose of hunting valuable minerals has the right to locate one mining claim in his own name and he has from thirty to ninety days to locate it and to record it, and it then becomes his property; but if we embark in the policy indicated by this bill we will turn over about 50,000,000 acres of lands now in the Indian reservations of the United States to the Interior Department, so that that Department may create a new leasing bureau, to be known, I presume, as the mining leasing bureau.

If we have that leasing department or bureau created within the Interior Department, then it seems that men only who stand in with that Department can secure these leases. It will also be destructive of the rights of the mining prospector and of the individual miners of the entire country, because they will be debarred from going on these Indian reservations and locating claims. I therefore protest against this Indian mining bureau in the name of the honest, hard-working miners and prospectors of the whole country.

If Congress embarks in this dangerous policy of leasing Indian lands for mining purposes, it will compel the Government to employ agents and inspectors to collect from the lessees the royalty coming to the Indian tribes. In many cases this will cost the Government more than the royalties will amount to, so the Indians will get nothing. This mining bureau will be a hospital filled with broken-down politicians belonging to the party in power. The royalties will be payable to the Indian tribes as tribes, and thus perpetuate these tribes and prevent the breaking up of the tribal relations of the Indians, as should be done at once by the Government.

The money paid the tribes on these leases will only furnish the Indians money for an annual drunk and debauch, and will hinder indefinitely the present plan of the Government to individualize the Indians and make them self-supporting. This proposed leasing system will lead to scandals in the Interior Department, as it will encourage leading politicians of the party in power to use their political influence to secure these mining leases. Undue, if not corrupt, means have been used to secure the leases of the Raven and the Florence mining companies.

The following telegram from the secretary of state of New Jersey shows the names of the persons now forming the Florence and Raven mining companies. It is as follows, viz:

[Copy of telegram from secretary of state.]

TRENTON, N. J., April 19, 1902.

L. G. JOHNSON, 1016 D street NE.

Florence Mining Company: Incorporators, Thomas S. Lennon, T. Frank Farrell, Ernest T. Charles; directors, William S. Potwin, Charles F. Pfister, Leroy D. Thoman, George F. Tunis, T. H. Anderson, William J. Word, Charles N. King; officers—President, Charles F. Pfister; vice-president, G. F. Tunis; secretary, Leroy D. Thoman; treasurer, William L. Word.

Raven Mining Company: Incorporators, Leroy D. Thoman, Charles N. King, Legrand Bonker; directors, B. C. Chambers, W. S. Oppenheim, George H. Miller, H. H. C. Miller, Charles G. Little, Charles N. King, Charles F. Pfister, William S. Potwin, Leroy D. Thoman, Henry C. Payne, Otto H. Morgan; officers—President, Charles F. Pfister; vice-president, William S. Potwin; secretary, Leroy D. Thoman; treasurer, Otto H. Morgan.

H. D. DICKINSON,  
Secretary of State.

Mr. Speaker, this telegram shows that these two companies are practically the same. We find that Charles F. Pfister is president of both companies and Leroy D. Thoman is treasurer of both companies, and that they are both incorporated in New Jersey. We find that Henry C. Payne, now Postmaster-General and a Cabinet member, obtained the original lease, and the following letters, found on pages 16 and 17 of Senate Document No. 154, this Congress, give a history of this matter. They are as follows, viz:

CHICAGO, January 4, 1902.

SIR: In answer to your letter of January 2, requesting "proofs of the due incorporation and organization of the Florence Mining Company, also a list of its officers, with designation of each, and the post-office address of each," I beg to submit the following:

February 25, 1899.—Incorporated under the laws of New Jersey; principal office, No. 243 Washington street, Jersey City, N. J. Resident agent, New Jersey Corporation Agency. (Exhibit A.)

March 16.—The original subscribers for 10 shares, par value \$1,000, being the amount of capital stock with which the company was authorized to commence business, elected as directors Benjamin B. Odell, jr., and Henry C. Henderson,

of New York; Henry C. Payne and Charles F. Pfister, of Milwaukee, Wis.; William S. Potwin and Leroy D. Thoman, of Chicago, and J. C. Thompson, of East Orange, N. J.

March 17.—Directors-elect convened at the Manhattan Hotel, New York City.

Mr. Henderson tendered his resignation as a member of the board of directors, which was accepted. Mr. William L. Ward, of Portchester, N. Y., was elected a director to fill the vacancy occasioned by the resignation of Mr. Henderson. The following officers were elected:

Henry C. Payne, president; William L. Ward, vice-president; Benjamin B. Odell, jr., treasurer; Leroy D. Thoman, secretary.

By reference to your files you will find that at or about this date, to wit, March 15, the president, on behalf of the company, made application for a permit to negotiate a mining lease. (Exhibit B.)

October 2.—By reference to your files you will find that the president, on behalf of the company, addressed a letter to the honorable Commissioner of Indian Affairs on the subject of the permit. (Exhibit C.)

January 27, 1900.—The board convened at the Fifth Avenue Hotel, New York.

Charles F. Pfister tendered his resignation as a director. The same was accepted. Mr. George F. Timms, of Washington, D. C., was elected a director to fill the vacancy occasioned by the resignation of Mr. Pfister.

Mr. William L. Ward tendered his resignation as a member of the board of directors, and the same was accepted. Gen. Thomas H. Anderson, of Washington, D. C., was elected a director to fill the vacancy occasioned by the resignation of Mr. Ward.

February 24.—The annual meeting of stockholders. Ten shares, being all of the shares of stock of the corporation issued, elected the following board:

Henry C. Payne, Benjamin B. Odell, jr., William S. Potwin, George F. Timms, Thomas H. Anderson, J. C. Thompson, and Leroy D. Thoman.

The directors-elect convened on the same day and elected the following officers:

Henry C. Payne, president; George F. Timms, vice-president; Benjamin B. Odell, jr., treasurer, and Leroy D. Thoman, secretary.

July 23.—The directors convened at the Manhattan Hotel. Mr. Henry C. Payne tendered his resignation as president of the company and also as director. The resignations were accepted. Mr. Charles F. Pfister was elected a director to fill the vacancy occasioned by the resignation of Mr. Payne. He was also elected president of the company.

Mr. Benjamin B. Odell, jr., tendered his resignation as treasurer and also as a director of the company. The resignations were accepted. Mr. W. L. Ward was elected a director to fill the vacancy occasioned by the resignation of Mr. Odell. He was also elected treasurer of the company.

Mr. J. C. Thompson tendered his resignation as a member of the board of directors, and it was accepted. Mr. Charles N. King, of Jersey City, was elected a director to fill the vacancy occasioned by the resignation of Mr. Thompson.

February 23, 1901.—Stockholders' meeting. The 10 shares of stock, being all of the shares of stock of the corporation issued, elected the following board:

Charles F. Pfister, William L. Ward, Henry C. Henderson, Charles N. King, George F. Timms, T. H. Anderson, and Leroy D. Thoman. The directors-elect convened on the same day and elected the following officers:

President, Charles F. Pfister; vice-president, George F. Timms; treasurer, William L. Ward; secretary, Leroy D. Thoman.

October 16.—Permit issued to Florence Mining Company. (Refer to your files.)

November 4.—Board of directors authorized Henry C. Henderson and George F. Timms to negotiate a lease on the authority granted by the Department in its permit of the 16th of October.

Respectfully submitted.

LEROY D. THOMAN, Secretary.

HON. WILLIAM A. JONES,  
Commissioner of Indian Affairs.

I, Leroy D. Thoman, secretary of the Florence Mining Company, hereby certify that the above and foregoing is a true recital of the acts and doings of the company in reference to the subject-matter therein referred to, as taken from the records of said company, in my charge and keeping.

And I further certify that the names and addresses of the directors elected at the last annual meeting of the stockholders are as follows:

Charles F. Pfister, Milwaukee, Wis.; William L. Ward, Portchester, N. Y.; Henry C. Henderson, White Plains, N. Y.; Charles N. King, 243 Washington street, Jersey City, N. J.; George F. Timms, Washington, D. C.; Thomas H. Anderson (resigned), Washington, D. C.; Leroy D. Thoman, Chicago.

And I further certify that the officers of said company at this time are: President, Charles F. Pfister; vice-president, George F. Timms; treasurer, William L. Ward; secretary, Leroy D. Thoman.

And I further certify that of the authorized capital of 300.00 shares, of the par value of \$100 per share, but 10 shares have been issued, being the amount of capital with which the company was authorized to commence business.

And I further certify that no authorization for the issuance of any other shares of said capital stock has ever been made by the board of directors of said company.

In witness whereof I hereunto set my hand and affix the seal of the corporation this 4th day of January, A. D. 1902.

[SEAL.]

LEROY D. THOMAN, Secretary.

CHICAGO, ILL., March 15, 1899.

SIR: The Florence Mining Company, a corporation of the State of New Jersey, respectfully makes application for a permit to negotiate with the Uintah and White River Ute Indians for a mining lease on that part of the Uintah Reservation lying north of the Strawberry River, the said lease, if negotiated, to cover all of the minerals found in and upon that part of the said reservation.

Very truly, yours,

THE FLORENCE MINING COMPANY,  
By HENRY C. PAYNE, President.

THE COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

Mr. Speaker, Mr. Thoman, on page 14 of Senate Document 154, shows that in addition to Mr. Payne's connection with these leases that Mr. James S. Clarkson, another office holder and shining light in the Republican party, was also using his political influence to secure a lease on some of these Indian lands. Mr. Thoman says that—

On the 18th day of December, 1897, the Indians granted to Hattenbruck & Rhoades, citizens of Utah, a mineral lease of these same lands. This lease was negotiated without the parties first obtaining a permit from the Department, and for this irregularity, as we are advised, Secretary Bliss refused to approve the same.

From time to time since the disapproval by the Secretary this lease has "bobbed up" for confirmation in the hands of different claimants, and on the

15th day of May, 1900, Hattenbruck & Rhoades assigned it to Reed Smoot and Hiram S. Young, of Provo, Utah, as trustees, for the benefit of a corporation to be formed under the laws of the State of Utah. A corporation was formed known as the Rhoades Mining and Milling Company, with a capital stock of \$500,000.

The officers and directors of the company are Hiram B. Clawson, president; T. B. Beatty, vice-president; C. B. Rhoades, second vice-president; Hiram S. Young, treasurer; William Torton, secretary; and additional directors, James S. Clarkson, Reed Smoot, William H. Dodge, and James H. Mayle.

Among the propositions of the trustee agreement are the following: That James S. Clarkson, Hiram B. Clawson, and T. B. Beatty procure the approval of said lease by the Secretary of the Interior; that on the approval of the said lease Reed Smoot and Hiram S. Young, trustees, convey the interests which they hold to the corporation; that the stock be divided among the several incorporators (hereinbefore named), less one-fifth, which is to be retained as treasury stock.

It would seem from this that some of the good people of Utah are not adverse to leasehold estates on the Uintah Reservation.

Respectfully submitted.

LEROY D. THOMAS.

Mr. Speaker, I will read an editorial from the Salt Lake Herald, which shows why these Indian lands are coveted by these scheming politicians. It is as follows:

[Salt Lake Herald, December 30, 1901.]

**FIND SOURCE OF RHODES'S WEALTH—HIDDEN MINE ON UTAH RESERVATION IS DISCOVERED—INDIANS GIVE UP SECRET WHY EASTERN SYNDICATE DESIRES TO SECURE LEASE.**

"Money rock," as the Indians call gold-bearing quartz, is the prize for which the seekers of a mineral lease on the Uintah Reservation are striving. Information came from the reservation country yesterday that at last the secret of Caleb Rhodes, of Price, as to the location of the rich gold deposits on the reservation had been discovered, and that the Florence Mining Company was in possession of the information.

The syndicate of Republican politicians and others, headed by Postmaster-General Henry C. Payne, has been secretive as to the real object of the quest. It has been given out that deposits of asphaltum and of copper were in view. Now it is stated beyond a doubt that the deposits of gold have been discovered, and that they are of great richness.

RHODES AND HIS GILD.

The story of Caleb Rhodes, the Price ranchman, is well known. For years he has slipped clandestinely to the reservation and has returned laden with gold. Sometimes he had brought in sacks of quartz which was plastered with gold. Sometimes he has broken the rock and washed out the metal, bringing in the native gold.

Too many people have seen the gold and the quartz to doubt its existence, and many a plot has been laid to learn the secret of whence it came. All have failed, however, until now.

The information from the reservation is that with the aid of some of the Indians the location of the gold deposits was learned, and that now the syndicate has the information. The lease calls for 640 acres of land, and if this is located all, or nearly all, on rich gold-bearing veins or deposits it is difficult to conceive the enormous amount of wealth which it represents.

Mr. Speaker, the citizens of Utah protested against the corrupt methods used in obtaining these leases, as is shown by the protest and letter which I will now read. The first is from R. S. Collett, of Vernal, Utah. This letter is found on page 30, and the protest on page 31 of the Senate Document No. 154:

VERNAL, UTAH, November 29, 1901.

DEAR SIR: We to-day inclose to each of our Utah Representatives at Washington a copy of the inclosed statements, as we wired you on the 27th instant we would do.

Since this paper was drawn up and signed by the city and county officials of Vernal and Uinta County the following wire has been received by Senator Bennion and Senator KEARNS: "Send immediately all information obtainable, with affidavits. Matter will be held up till I hear from you."

Now, I wish to state to you, Mr. SUTHERLAND, that there was no white person present at this council except those personally interested in obtaining the lease, hence affidavits would have to come from the Indians, and these we will get if possible. But you can see it will take a little time and the consent of the Government.

At least six different Indians have made the following statements to as many different men, and part of the men, at least, if not all of them, will make affidavit to the fact, or will go on the stand in any court and testify to the fact and will produce, with the consent of the Government, the Indian who furnished the information.

First. That the council was not generally known of among the Indians and that representative Indians usually consulted in such matters were not aware of the council until after it was over. I might mention one of these Indians, in particular, was Charlie Chovaneau, chief of the White Rivers, and one of the most intelligent of them all.

Second. That Messrs. Timms and Henderson were spoken of to the council as being "Washington" men, which, in Indian parlance, means an official of the Government looking after the Indians' rights, when, in fact, these men were the ones who are trying to obtain the lease.

Third. That it was represented that if the lease was consummated the Indians would get their money on the same, whereas if they waited until Congress met action would be taken to open the reservation, and then they would get nothing for their lands, as had been the case with their Colorado lands, and the argument was made stronger by stating that the "Mormons" would be given the reservation lands. Thus were the Indians who were present induced to acquiesce in the scheme to lease. Now, we can get the affidavits of these men to whom the Indians have talked, or we can get the affidavits of the Indians themselves, if the agent will permit us, which is quite unlikely if he can prevent it.

The terms of the lease, if granted, would be an outrage. I am informed they only ask for 640 acres, but they want the privilege of making their selections in mining locations and to have two years in which to prospect before making the same. This would mean that after prospecting for two years they could then make about thirty mining locations on what they might find, while the Utah prospector dare not step onto the reservation. Should they find mineral in paying quantities, they could delay the opening of the reservation indefinitely.

Mr. SUTHERLAND, if you will defeat this measure and secure the appointment of a commission of Western men, allowing Utah to have a good representation on the same, and if this commission will come here and treat with these Indians in honesty and fairness this reservation can be opened within one year.

The Indians are not opposed to selling their lands, but must be assured their

money is safe and they will not be robbed out of it, as the White Rivers feel they have been done with their Colorado lands.

If you will kindly wire me on receipt of this whether the affidavits of these men with whom the Indians have talked will be sufficient, or whether you wish the affidavits of the Indians themselves, I shall appreciate it. In the meantime we will do what we can to get to the Indians themselves. Personally the signers of the statement inclosed are convinced that Major Myton is an interested party to this lease and that the Indians are telling the truth.

Very respectfully,

R. S. COLLETT.

HON. GEORGE SUTHERLAND,  
Washington, D. C.

VERNAL, UTAH COUNTY, UTAH, November 28, 1901.

DEAR SIR: In explanation of the telegram sent to you to-day, we wish to say that we are deeply interested in bringing about the opening to settlement of the Uintah Indian Reservation in such a way as to give to every citizen an equal chance to share the benefits thereof, and we view with apprehension any attempt to delay the opening or to give to a favored few any undue advantage over the general public.

We therefore take this means of bringing to your notice the following facts gathered from the Indians themselves:

Agent Myton went to Denver and met Mr. Timms and Mr. Henderson, with whom he returned to the agency, and on the following morning held a council with the Indians, evidently prearranged by the agent. In this council it was represented to the Indians that Congress would shortly assemble and that undoubtedly some action would be taken in the matter of opening the reservation; that their lands would be taken from them, and that they would receive no pay for them, even as had been the case with their Colorado lands already given up; that this lease was the only way by which such action of Congress could be forestalled, and that they must act quickly. Only by such argument was the consent of the Indians to the lease obtained.

Through long residence in the county and from close personal acquaintance with many of the leading Indians we are in a position to know that they are willing to dispose of the greater part of their lands whenever they can feel sure that they will receive pay for them, and especially when negotiations are opened by commissioners who are honestly desirous of accomplishing the opening of the reservation, and we desire to enter our earnest protest against the use of any such representations as were made at the council above mentioned.

We also oppose the execution of any lease or agreement that will delay the opening of the reservation, a matter of such vital moment to the people of our whole State, and especially to the citizens of this county.

Agent Myton and several Indians selected as being favorable to the scheme are already in Washington for the purpose of securing the sanction of the Government to the lease, and we therefore urge your immediate and energetic action in opposition to it; and we further assure you that the honest and faithful efforts of a commission, aided by an agent who will assist rather than oppose their efforts, appointed from this State and consisting of men familiar with the Indians and existing conditions, will be able to secure the consent of the Indians to the opening of the reservation and a consequent favorable settlement of this vexatious question.

Very respectfully, yours,

HARDEN BENNION, State senator; Ward E. Pack, United States commissioner; Peter Hanson, county clerk; W. H. Siddaway, county commissioner; Herbert Tyzyek, county assessor; R. C. Camp, Vernal city councilman; W. P. Vatharp, Vernal city councilman; S. M. Browne, mayor-elect, Vernal; Leslie Ashton, councilman, Utah; S. R. Bennion, councilman-elect; George A. Davis, county treasurer; J. H. Hardy, city recorder; J. H. Mease, R. S. Collett, postmaster, Vernal, Utah; George P. Billings, State representative; O. D. Allen, county commissioner.

Representative SUTHERLAND,  
Washington, D. C.

Mr. Speaker, I will now read a letter from Commissioner Peck and another from R. S. Collett, found on pages 32 and 33 of Senate Document No. 154, which show the connection between the Interior Department and these mining companies whose leases we are now about to ratify. Myton, Harper, and Miller all belonged to the Commission and represented the Government, and Myton has been rewarded for his cunning by being made the agent for these Indians, which position he now holds. These letters expose these men fully, and are as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 13, 1903.

SIR: I transmit herewith for your information and use certain papers, consisting of letters, affidavits, etc., relative to the leasing of lands on the Uintah Indian Reservation for mineral purposes, filed with the Department by Hon. George Sutherland on the 11th instant.

Very respectfully,

E. A. HITCHCOCK, Secretary.

THE COMMISSIONER OF INDIAN AFFAIRS.

VERNAL, UTAH, January 1, 1901.

DEAR SIR: Your telegram to Mr. R. S. Collett, dated December 23, 1901, stating that the United States commissioner had been authorized to go upon the Uintah Reservation and obtain affidavits of Indians bearing upon the proposed mineral lease reached me at a time when it was impossible for me to go immediately. You were, however, notified of this by telegram.

On December 29 I went over to the reservation, and have spent considerable time among the Indians. However, I only succeeded in getting the four affidavits which I inclose. There are several reasons why I did not get more, among which I report the following: The Indians had been notified, or rather warned, through some person or persons at the White Rock Agency, that a "Mormon" commissioner was coming to the reservation to steal the Indians' talk and send it back to Washington; to look out for him and not talk to him.

I also found many Indians, among them being Sowick, the head chief of the White River Utes, who said that the facts set forth in these affidavits were true, and who also made other statements of the same nature on their own behalf. They would not, however, sign their names to any paper for the reason that they had been misled and tricked so many times they were afraid. They said other men had been to them before now, representing themselves to be authorized commissioners, and after getting the signatures the Indians had been cheated and robbed. For this reason many of them would make statements verbally, and even allow them to be drawn up in writing, but would not sign them because they were afraid it was another trick.



Another reason is that Agent Myton and the five Indians who went to Washington with him had returned to the reservation and were industriously spreading false reports. Mr. Myton arrived at White Rocks on Sunday evening, and on Monday held a council with a few of the Indians, practically the same who were in the former council. The vast majority, however, were not notified of either meeting. I personally saw those who were at this last meeting, and know that the number did not exceed 30. At this meeting Mr. Myton reaffirmed his former statements—that the two men who had been out to see them were representatives of the Government, and that Washington wanted the Indians to ratify the lease, so that the Mormons would not come in and get their lands away from them; that there were now 30 Mormons in Washington trying to get these lands, and if they did not ratify this lease they would not only lose their lands but that their annuity money would be taken away from them. He also told them that the Indian Commissioner had already given the lease, and that next summer there would be a mill put up on the reservation to grind up the rocks, get the gold out, and it would be given to the Indians. Many other stories of a similar nature were told to them and were vouched for by the five Indians who were taken to Washington.

Several of the Indians who were willing to make affidavit were away during my visit to the reservation.

Among all the Indians with whom I talked I found but one who favored the lease. The great majority are opposed to it and to the methods being employed to secure it.

The Indians are very suspicious, and consequently I found it very difficult to get them to understand the nature of my mission, although I had a good interpreter with me, one who is personally acquainted with nearly all the Indians on the reservation.

If more affidavits are desired, others of a similar import can be had at a later date, but, as I stated before, while a large number of the Indians will relate the facts herein set forth and many others of a similar nature, they are not willing to sign anything because of their fear of trickery.

I remain, respectfully, yours,

WARD E. PACK,

United States Commissioner, District of Utah.

HON. GEORGE SUTHERLAND,

Washington, D. C.

VERNAL, UTAH, January 1, 1902.

MY DEAR SIR: Your wire of December 23 was duly received, but unfortunately United States Commissioner Pack could not go to the reservation as soon as it was received, and Mr. Myton, getting home in the meantime, made it much harder for him to get the affidavits of the Indians, as he called them in council and told them the lease was already made; that this Mormon commissioner was coming to steal their talk and send it to Washington, and for them not to talk to him.

The Indians, however, all tell the same story, but the affidavits inclosed in Mr. Pack's report are from the only Indians who dare sign their names to the same; and while this is not as strong as we would like to have made it, we have another story to tell that I think will interest you.

While in Salt Lake Myton gave a News reporter an interview. The inclosed clipping is from the daily News of December 27. When Mr. Mease saw this he said he would show us who was trying to get this former lease, and he showed to Messrs. Browne, Hennon, and myself the inclosed correspondence. Now, we have not been making a personal fight on Myton, but we thought this too good to let go by, so we inclose you the originals, and have forwarded to Senator RAWLINS and Governor Wells a copy each and asked the Governor to call the attention of Senator KEARNS to the same.

And here is the story of the origin of these mineral leases: In 1897 one Dr. Hattenbrook was around here with samples of gold ore that were the finest I ever saw. He said they came from the reservation and was trying to get a permit to go on the reservation to prospect. At that time H. P. Myton was a commissioner assisting in the opening of the reservation, E. R. Harper was the secretary of this commission, and S. M. Miller was the surveyor for the same.

They saw these samples of gold, and while they were yet acting on the commission they began to plan for a "mineral lease" on the reservation. The result was Myton was subsequently made agent and the others hoped to profit thereby.

A plan was formed, with Myton as chief assistant, to obtain this lease. J. H. Mease, post trader at Du Chesne, and John McAndrews, interpreter at Ouray, were taken in to help the matter along. The inclosed letters tell their own tale.

The same plan of action was to be pursued as is now being pursued, and here the hitch came. Mease and McAndrews claim they refused to try to influence the Indians in this way, so they were dropped out and others taken in. Mease, however, failed to burn his correspondence as he was instructed, and McAndrews has a duplicate of the most of it.

Myton, Miller, and Harper are still in the lease. It was Harper whom Myton went to see at Denver before calling the council of Indians. And you will see by these letters that they joined forces with Timms and have nearly accomplished their object.

I also inclose you a copy of the then proposed lease, also furnished by Mr. Mease, and he informed me that this lease was drawn in the office of Commissioner of Indian Affairs, and the maps furnished from there also, and that while Mr. Ryan, who is still Acting Secretary in the Interior Department, was deeply interested in the lease, he was not alone by any means.

It was some time before Mr. Mease could be induced to give up the papers, and he assures us that Myton et al. think them destroyed. He is not vindictive toward Myton, but says he wishes to protect himself and not have the whole matter thrown onto him.

He has a large stock of these papers and telegrams, the latter mostly in cipher, and they are all at your disposal if you can do anything with them.

Mr. Sutherland, you can not know the manner in which these Indians are being fleeced and robbed and the manner in which this steal has been planned and executed. These papers are placed at your discretion; we hope you can use them. If you could get a thorough investigation of this agency affair you would be astonished at what would be revealed. And it seems to us that this should be had if an appeal had to be made to the President.

No newspaper talk will be made here of these papers. No one knows of them but the committee that has had this matter in hand. In the event you find them of no value you will kindly return them, that Mr. Mease may get them again. But I sincerely hope you may be able to put a stop to this leasing business and to have a measure passed looking to the early opening of the reservation.

Wishing you the compliments of the season, and assuring you of my warmest regards, I have the honor to be

Very respectfully, yours,

HON. GEORGE SUTHERLAND,

Washington, D. C.

P. S.—Three hundred adult Indians on the reservation, and the Indians all agree that there were not to exceed 30 at the first council.

R. S. C.

Mr. Speaker, the Senate has amended this Indian appropriation bill, among other things, in a way to approve the leases held by the Raven Mining Company and the Florence Mining Company and other applications approved, on file in the Interior Department, for licenses to negotiable leases.

This amendment enacts legislation in an appropriation bill not germane to an appropriation bill under the rules of this House.

The greatest injustice is done by this amendment to the people at large of the United States, and especially the miners in the State of Utah.

The unfairness of the legislation, as it is attempted to be forced on this House, is that the Senate has had this matter before the Senate Indian Committee and are supposed to have considered it. They have had before them the letters, papers, and reports read by me upon which to base their action, none of which have been before the House committee. The Senate attempts to force the House to accept in a committee of conference a fraud upon the people at large and to give to the so-called mining companies rights that they do not possess by the terms of their leases.

Letters found on pages 473 and 474 of the CONGRESSIONAL RECORD of this session of Congress show that the parties who are now or who have been interested in these leases, who were in the companies in the beginning, were Henry C. Payne, now Postmaster-General; B. B. Odell, now governor of New York; L. D. Thomas, ex-Civil Service Commissioner, and George F. Timms, of Washington, said to be an attorney and promoter claiming special connection and favors from the Indian Department. In these letters there appears the names of E. B. Harper, of Akron, Ohio, ex-secretary of the Indian Commission and ex-member of Indian Commission; H. P. Myton, ex-member of Indian Commission and at present agent at Whiterocks Agency, Utah; J. H. Mease, Indian trader at Uintah Agency; Miller, merchant at Fort Duchesne; McDonald, veterinary surgeon at agency.

The newspaper clipping, Mr. Speaker, which I now read will further unfold the corrupt practices by which these leases were obtained. This clipping is from a reputable Utah paper.

[Copy of newspaper clipping. Friday, December 27.]

MYTON MAKES A STATEMENT—SAYS HE DID NOT GO TO WASHINGTON TO ADVOCATE MINERAL LEASE—VIEWS OF OUR CONGRESSMEN—POSITIONS OF SENATORS RAWLINS AND KEARNS AND REPRESENTATIVE SUTHERLAND—WHAT WILL BE DONE.

Maj. H. P. Myton, Indian agent at the Whiterocks Agency, arrived last night from Washington and is at the Knutsford Hotel. He says that he did not go to Washington purposely to advocate the lease of the mineral lands on the reservation, but went on instructions from the Indian Commissioner. The Major claimed that the conference at the national capital had been entirely friendly, newspaper reports to the contrary notwithstanding. He had made a full statement of the situation before the Secretary of the Interior, the Indian Commissioner, Attorney Vandeventer, and the three Congressional representatives from this State. Senator Rawlins objected from a legal standpoint. Mr. Sutherland's objection was that the Indians had not been properly notified, many not knowing anything about it. Senator Kearns did not think there was any particular hurry about the matter.

Major Myton said that the Secretary of the Interior had assured him that 1 square mile of the Uintah Reservation would be leased to the Florence Mining Company. Three weeks before the council was called in Washington the Major said he received a letter from the Department stating that authority had been given the Florence Mining Company to treat with the Indians of the Uintah Reservation. The Major said he immediately called a local council and explained that some white men would come and treat with them for the lease of the land. Such a meeting was subsequently held with 300 Indians present, and by the terms of the lease the Florence Mining Company will have two years in which to prospect and choose their 640 acres of land. This will give them 30 claims. Henry C. Payne was president of the company, but he is going into the President's Cabinet, and his place is taken by Mr. Plister, of Milwaukee, and the secretary is L. D. Thomas, of Chicago. H. C. Henderson, of New York, and George F. Timms, of Washington, are also interested in the company.

Major Myton stated this morning his belief that the lease to the Florence Mining Company would prove the opening wedge to a further move in this line; only it was as the Indians told the Secretary of the Interior, that they preferred to experiment with the one lease at first, and if that worked all right, then they would be ready to lease more, and this would probably be done.

When asked what the source of all the opposition was at Washington, Major Myton said it was undoubtedly J. H. Mease, who had filed a claim for privilege to lease before the Major went to Washington. Mr. Mease called up the agency by telephone from his store while an Indian council was being held prior to the Major's going to Washington, and wanted to know about his claim, which he held should be considered or else there would be trouble. Major Myton replied that he knew nothing about Mr. Mease's application, and the conversation ended after further intimation from Mr. Mease that there would be trouble if his claim was ignored.

The Major did not hear anything of this claim in Washington, but understood that Mease had stirred up the governor and others to object to the lease proposition. However, this objection did not work. Major and Mrs. Myton left this afternoon for Price and Fort Duchesne. He dropped off at Price the Indians he took with him to Washington.

Mr. Speaker, I will close by reading the affidavit of some of these Indians, showing that these leases were obtained by fraud and collusion. They are found on pages 38 and 39 of Senate Document 154:

*Affidavit of Francis La Rose, of Uintah Reservation.*

Francis La Rose, being first duly sworn, deposes and says: I was present at the council meeting held at White Rocks on November 18, 1901. Agent Myton stated to the Indians that he had received a letter from Washington; that the two men, Timms and Henderson, were sent out from Washington by the Government and wanted the Indians to make this lease; that the Government sanctioned it. If the Indians did not make the

lease, that the white men would come in and take their lands, but the lease of this land would prevent them from getting it.

There were only a few of the Indians in favor of the lease, and not more than twenty or thirty present.

When they were asked to sign the papers, that all but a few got up and went out and refused to sign it.

FRANCIS LA ROSE.

Sworn to and subscribed before me this 30th day of December, A. D. 1901.  
[SEAL.]

WARD E. PACK,  
United States Commissioner for District of Utah.

*Deposition of "Captain" Wood (Indian) or "Bull of the Wood," ex-captain of Indian police, White Rocks, Uintah Reservation, Utah.*

Captain Wood, being duly sworn, deposes and says as follows: I was present at the council of Indians held at White Rocks on November 16, 1901. Happened at White Rocks, and was told there was a meeting. Agent Myton asked me in. Was not summoned to council, but happened to be there, and was invited in.

There were about thirty persons at the council. Among them were Agent Myton and two white men, strangers. Agent Myton stated to the Indians that these two men were from Washington, sent out by the Government for the purpose of making a lease of a certain amount of mineral lands, "about four men's claims;" that they were not "land grabbers," but if the Indians would give them this lease, then that would stop the white men from coming in and getting their lands; if they did not make this lease, then their lands would be taken away from them and given to the white men.

Five Indians volunteered to go to Washington and see what Washington had to say about it. If Washington said it was all right, then they would come back and tell the Indians all about it before any papers would be signed. The Indians who went to Washington were not authorized to sign any papers, but another council was to be held with the Indians at White Rocks.

I don't want the lease made. Didn't want it from the first. When the vote was taken on the matter of the lease only a few, 3 to 5, voted for it. All the rest were opposed to it and didn't want it.

Bull of the Wood, being first duly sworn, deposes and says that the contents of the above and foregoing affidavit have been read to him; that the same are true to the best of his knowledge and belief.

BULL OF (his x mark) THE WOOD.

Witnesses:  
JOSEPH TIMOTHY.  
J. M. THOMAS.

Sworn to and subscribed before me this 26th day of December, 1901.  
[SEAL.]

WARD E. PACK,  
United States Commissioner District of Utah.

*Affidavit of Joe White, or Little Joe (Indian), Uintah Reservation, Utah.*

Little Joe, being first duly sworn, deposes and says: I was not notified of the council held at White Rocks on November 16, 1901. I have been told by my boy, who was present, also by others, that these two men who came with Agent Myton to the council were Washington men sent out by the Government to make the lease. If they did not lease the land, then the white men would come in and get their lands away from them.

The Indians who went back to Washington were not chosen by the Indians, but were selected by Agent Myton. He picked them out himself, and refused to send men who were opposed to him, but wanted to go back and see what the Government had to say about it.

There were no representative tribe men in the council, only Tim Johnson. All the others were just picked up by Myton.

I am not willing to make lease of mineral or other lands to these men. All the Indians I have talked with are opposed to the lease.

Before these two men came out here Agent Myton told the Indians that he had got a letter from Washington that these two men were coming out here and that Washington wanted the Indians to give them the lease. He also told them that the Government knew these two men, and that they were good men with lots of money.

I understand English, and can speak it almost as well as my own language. I have heard read the contents of the foregoing affidavit, and the same are true, to the best of my knowledge and belief.

JOSEPH (his x mark) WHITE.

Witnesses:  
JOSEPH TIMOTHY.  
J. M. THOMAS.

Sworn to and subscribed before me this 30th day of December, 1901.  
[SEAL.]

WARD E. PACK,  
United States Commissioner, District of Utah.

UINTAH AGENCY.

Tabby W. White, being duly sworn, deposes and says:

I can read and write the English language; attended school at Grand Junction. I have read the affidavit of Joseph White, and know that the facts set forth therein are true.

I am opposed to the lease, and almost all the Indians in the reservation are also opposed to it.

T. W. WHITE.

Witnesses:  
JOSEPH TIMOTHY.  
J. M. THOMAS.

Sworn to and subscribed before me this 30th day of December, 1901.  
[SEAL.]

WARD E. PACK,  
United States Commissioner, District of Utah.

UINTAH RESERVATION.

*Affidavit of J. M. Thomas and Joseph Timothy*

STATE OF UTAH, County of Uinta, ss:

J. M. Thomas and Joseph Timothy, being first duly sworn, depose and say: We accompanied and were present with Ward E. Pack, United States commissioner, on the Uintah Reservation, on December 29, 30, and 31.

We heard a number of the Indians say that the statements set forth in the affidavits of Bull of the Wood, Joseph White, Francis La Rose, and others were true; that they were present at the council held November 16, 1901, and heard these statements made by H. P. Myton, Indian agent.

They also related in our presence and hearing that Agent Myton had reported since his return from Washington that Government had already granted the lease, and if the Indians did not confirm it their lands would be taken away from them by the Mormons, of whom there were already 30 in Washington working to get their lands. Also that the two men who came out here were sent by the Government, and the Indians must grant them the lease or their lands would be taken from them and their annuity money be stopped.

They also said that there were only a few Indians present at the council

held November 16, 1901, probably twenty or thirty, and that of these only a few, three to five, voted for the lease; that the rest were opposed to it. That Myton selected only those Indians whom he knew were favorable to the lease and rejected others who were not, but wanted to go back to Washington and see that the Indians were properly represented.

They further stated that the reason they were not willing to sign these statements was that they were afraid. They had been cheated and robbed so much and tricked into signing papers until they could not trust anyone.

We also know from our conversation with the Indians that nine-tenths of them are opposed to this lease. We are personally acquainted with nearly all of them, and for the past two months they have been talking to us about these matters.

J. M. THOMAS.  
JOSEPH TIMOTHY.

Subscribed and sworn to before me this 1st day of January, 1902.  
[SEAL.]

HARDEN BENNION, Notary Public.

Mr. SHERMAN. I understand the gentleman from Arkansas has exhausted his time.

The SPEAKER. He has six minutes remaining.

Mr. SHERMAN. I understand the gentleman does not intend to use it.

Mr. LITTLE. No, sir.

Mr. SHERMAN. Mr. Speaker, the gentleman from Texas [Mr. STEPHENS], my colleague on the committee, seems to misapprehend, I judge from his remarks, the effect of this amendment. The gentleman from Texas assumes or states that this provision provides for leasing. It is precisely what this provision does not do, Mr. Speaker. Instead of providing for leases, it provides, with the prior consent of the Indians and after the allotment has been made to the Indians now there, for opening up the balance of the reservation under the land laws of the United States.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. Then, if I am wrong, will you just explain this language in the bill:

That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or such permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have the preferential right to locate under the mining laws not to exceed 640 acres of contiguous mineral land, except the Raven Mining Company, which may locate 100 mining claims of the character of mineral mentioned in its lease; and the proceeds of the sale of the lands so restored to the public domain shall be applied, first, to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the foregoing provisions; and the remainder, under the direction of the Secretary of the Interior, shall be used for the benefit of said Indians.

Let me ask you the question, if this fact here that you have a permit to lease—if that term "permit" does not give him the right to get a permit from the Indians, and then, after he has the permit from the Indians, to go and select his land?

Mr. SHERMAN. It permits just this, and if the gentleman had read the report he would have noticed that we do not recede from this amendment as it is; we recede from that amendment with an amendment which provides that in lieu of the lease which this Raven Company has, and that in lieu of the right to prospect under a lease which the other company has, they shall have these preferential rights to locate a certain amount of territory, both in lieu of the leases and of the permits they now have.

Mr. STEPHENS of Texas. But if they obtain a permit to get a lease from the Indians, then can they not go ahead and make that lease?

Mr. SHERMAN. It refers to existing leases, but one of which is in existence, I am advised by the Secretary. It relates simply to a permit that had heretofore been granted to a concern called the Florence Mining Company, incorporated, I think, under the laws of New Jersey; it relates to their permit, under which they have negotiated a lease with these Indians and which lease is now pending in the Department awaiting the approval of the Secretary. It relates to that, and it relates to the lease of the Raven Mining Company, which has been approved, and under which they have been operating, as I understand it, for something like three years, and operating upon one hundred and some odd out of 134 claims, and this provision cuts them down from 134 to 100.

Now, it does not provide for leases at all. It does just the reverse. It stops leasing and it opens up this reservation under the land laws of the United States, and in that respect that is where the gentleman from Arkansas [Mr. LITTLE] and I differ. I have heretofore—and I am inclined to think I have perhaps been in error about it—advocated the policy of leasing these lands; leasing, of course, under very stringent safeguards, and under the payment of royalties also properly safeguarded by the Secretary of the Interior, so that the proceeds of these leases should go to the support of the Indians, and to that extent relieve the United States of the burden of caring for them.

Mr. STEPHENS of Texas. If the gentleman will just permit



me. What I want to suggest is this: The very fact that by this provision under these leases we give them this preferential right in order to hold their leases establishes a precedent in the House and in Congress that will operate in every solitary reservation throughout the country where these leases may be obtained and will confront us with the same conditions in the Uintah Reservation. They will first come in the form of obtaining consent of the Indians, and then they will get their permits and leases upon the reservation, and for that reason I object to it.

Mr. SHERMAN. Now, Mr. Speaker, I think where a lease has been granted—and but a few have been granted anywhere in the United States—where a lease has been granted and where acting in good faith, under the lease, the parties have invested large sums of money, invested, as in the case of the Raven Company, more than \$300,000—where a case of that kind exists, whether it be the case under consideration or another, these parties should have their preferential rights. I think that is but just, fair, and equitable.

Mr. STEPHENS of Texas. If the gentleman will permit me, I think the application for these leases will tend to stand in the way of negotiation with these Indians to open that reservation. It cuts off all competition or anything of that kind absolutely.

Mr. SHERMAN. The fact that the gentleman may be correct in that, I want to say frankly, has led somewhat to a modification of my views on this question in a half dozen years. But there is no way of meeting that difficulty which he assumes except by legislation with reference to leases. There are very few leases.

I only recall one or two other mineral leases anywhere in the United States. And where these leases exist it does seem to me that if the parties have acted in the utmost good faith—have invested several hundred thousand dollars, and the money is expended for the advancement of the community and the development of the country—that it would be unjust unless those people were allowed certain preferential rights that ought to be respected. Now, the gentleman from Arkansas believes in opening up all these reservations. He is desirous that these reservations should be opened up. My understanding of his objection to the pending provision is simply that in opening it the lessees are given rights which are preferential. I think those who have expended large sums of money ought to be given a preference over others.

There is where the gentleman from Arkansas and I part company. I differ with him. I think these people ought to be protected. I think they ought to have a preferential right when they have expended as much as \$300,000 on the leased lands in developing them, in building railroads, in mining the mineral, paying the royalty, and building the factories for preparing the product for market. That is done for the development of the country. The right is given to go in there and locate on that territory, a right which would precede that of the gentleman from Arkansas and myself, or any other resident of the United States, who, under the provisions of this bill, has an absolute right to go after the 1st of October, 1903, and stake out a claim. The right is simply preferential as to time.

This company, notwithstanding they have spent a large sum of money in developing, notwithstanding they have paid thousands of dollars already in royalty to the Indians (which I understand the Raven Company has), must pay for the lands on which they locate precisely the same as any other company or any other individual in the United States who should locate; and all there is in this entire provision is, Is it fair, reasonable, just, and equitable to allow these men who have invested their money there to go in in advance of the general public and take lands upon practically the rights they have already obtained in good faith prior to the general public? That is all there is to it; and it does occur to me that it would be a very strange proceeding if this House, after knowing about that proposition, should vote down a conference report covering 125 items. It would seem to me very strange, indeed, where it involves only 2,640 acres out of 2,700,000 acres.

Mr. STEPHENS of Texas. Will the gentleman permit me a question?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. Has not this question been before the House several times and been voted down?

Mr. SHERMAN. Never in this way. Whenever it has been before the House, as it was in the Fifty-fourth Congress, it was then upon the proposition to open up mineral lands under the mineral-land laws of the United States, which proposition I opposed because I believed in the theory of leases; but eventually I was defeated in that matter, in the closing days of the Fifty-fourth Congress, and because that provision which I opposed was in the bill then the President of the United States gave a pocket veto upon the appropriation bill.

Mr. STEPHENS of Texas. Was it not also vetoed when the gentleman from Utah, Mr. King, was in Congress?

Mr. SHERMAN. The time I have reference to was in the

Fifty-fourth Congress. It has been up in other Congresses, but always on the proposition whether or not the land should be opened under the mineral-land laws, or whether the lease provisions should prevail. The lease provision is the law to-day. The law provides for leases, and that has been the form of the contest in the House in every case, and usually, I think without exception, the House has voted in favor of the very proposition covered by this amendment, except that the proposition never has had in it a provision to care for existing leases, because that condition has not heretofore existed when the matter was before the House.

Now, a word in reference to the letters which have been read or referred to. I am advised by the counsel for the Raven Mining Company, Judge Tolman, that these letters were not written by any person ever connected with his company, but were written by those who were attempting to prevent his company from obtaining the lease which they have obtained. They do indicate a questionable method; there is no doubt about that. They do indicate that the writers of these letters better be looked after. We do not differ about that; but they do not relate in any way to either of these companies covered by the provisions in this appropriation bill or in the amendment numbered 65.

Mr. STEPHENS of Texas. Are not these companies in there under leases obtained in that way?

Mr. SHERMAN. I am advised that the people who wrote those letters have never been in any way, shape, or manner connected with these companies, but have been in opposition to them.

Mr. STEPHENS of Texas. The Raven Mining Company is mentioned in the bill, and was not that the company of which Mr. Payne was the first president?

Mr. SHERMAN. Yes; but Judge Tolman advises me that the writers of these letters, Harper and Mease, were never in any way, shape, or manner connected with these concerns, but worked in opposition to them. I give you the information as I got it. I know nothing about it.

Now, Mr. Speaker, that is all there is to it, and I do not care to detain the House longer. I think the report ought to be adopted, and I ask for a vote on the proposition.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. LITTLE) there were 52 yeas and 51 noes.

Mr. LITTLE. Tellers, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas demands tellers.

Mr. LITTLE. I think I might as well ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 82, answering "present" 21, not voting 149; as follows:

## YEAS—99.

Adams,	Douglas,	Lacey,	Ray, N. Y.
Allen, Me.	Draper,	Lawrence,	Russell,
Ball, Del.	Eddy,	Lessler,	Schirm,
Bates,	Emerson,	Lewis, Pa.	Sherman,
Blakeney,	Esch,	Littauer,	Sibley,
Brick,	Foerderer,	Littlefield,	Skiles,
Bromwell,	Gaines, W. Va.	Long,	Smith, Iowa
Brown,	Gardner, Mich.	McCall,	Smith, S. W.
Brownlow,	Gibson,	McCleary,	Smith, Wm. Alden
Burk, Pa.	Gillet, N. Y.	McLachlan,	Sperry,
Burke, S. Dak.	Graft,	Marshall,	Stewart, N. J.
Burkett,	Greene, Mass.	Martin,	Sulloway,
Calderhead,	Grow,	Mondell,	Sutherland,
Capron,	Hanbury,	Moody, Oreg.	Thomas, Iowa
Cassel,	Haskins,	Morris,	Tirrell,
Connell,	Hemenway,	Moss,	Tompkins, N. Y.
Crumpacker,	Hepburn,	Mudd,	Tompkins, Ohio
Currier,	Hildebrandt,	Needham,	Tongue,
Curtis,	Hitt,	Otjen,	Vreeland,
Cushman,	Howell,	Overstreet,	Wachter,
Dalzell,	Hughes,	Palmer,	Wanger,
Darragh,	Hull,	Parker,	Weeks,
Davidson,	Jones, Wash.	Patterson, Pa.	Woods,
Deemer,	Knapp,	Payne,	Wright.
Dick,	Knox,	Perkins,	

## NAYS—82.

Adamson,	Dougherty,	Lloyd,	Robinson, Nebr.
Allen, Ky.	Edwards,	McClellan,	Ryan,
Ball, Tex.	Elliott,	McCulloch,	Selby,
Bartlett,	Feely,	Maddox,	Shackleford,
Bell,	Gaines, Tenn.	Maynard,	Shallenberger,
Bellamy,	Gilbert,	Moon,	Sims,
Bowie,	Goldfogle,	Mutchler,	Small,
Brantley,	Hall,	Neville,	Smith, Ky.
Breazeale,	Hay,	Padgett,	Sparkman,
Brundidge,	Hooker,	Patterson, Tenn.	Stark,
Burgess,	Jackson, Kans.	Pierce,	Stephens, Tex.
Burleson,	Johnson,	Pou,	Sulzer,
Burnett,	Kehoe,	Pugsley,	Swanson,
Caldwell,	Kleberg,	Ransdell, La.	Thayer,
Cassingham,	Lamb,	Reid,	Thompson,
Cochran,	Lanham,	Rhea, Va.	Underwood,
Conry,	Lester,	Richardson, Tenn.	Wiley,
Cooney,	Lewis, Ga.	Rixey,	Williams, Ill.
Cooper, Wis.	Lindsay,	Robb,	Williams, Miss.
Davis, Fla.	Little,	Robertson, La.	
De Armond,	Livingston,	Robinson, Ind.	

## ANSWERED "PRESENT"—21.

Clayton,	Fitzgerald,	Metcalf,	Vandiver,
Coombs,	Green, Pa.	Richardson, Ala.	Wheeler,
Cowherd,	Irwin,	Shattuc,	Wilson.
Davey, La.	Jett,	Talbert,	
Dinsmore,	McDermott,	Tate,	
Finley,	McRae,	Taylor, Ohio	

## NOT VOTING—149.

Acheson,	Evans,	Ketcham,	Roberts,
Alexander,	Fleming,	Kitchin, Claude	Rucker,
Aplin,	Fletcher,	Kitchin, Wm. W.	Rumple,
Babcock,	Flood,	Kluttz,	Ruppert,
Bankhead,	Fordney,	Kyle,	Scarborough,
Barney,	Foss,	Landis,	Scott,
Bartholdt,	Foster, Ill.	Lassiter,	Shafroth,
Beidler,	Foster, Vt.	Latimer,	Shelden,
Belmont,	Fowler,	Lever,	Sheppard,
Benton,	Fox,	Loud,	Showalter,
Bingham,	Gardner, N. J.	Loudenslager,	Slayden,
Bishop,	Gill,	Lovering,	Smith, Ill.
Blackburn,	Gillett, Mass.	McAndrews,	Smith, H. C.
Boring,	Glenn,	McLain,	Snodgrass,
Boutell,	Gooch,	Mahon,	Snook,
Bowersock,	Gordon,	Mahoney,	Southard,
Bristow,	Graham,	Mann,	Southwick,
Broussard,	Griffith,	Mercer,	Spight,
Bull,	Griggs,	Meyer, La.	Steele,
Burleigh,	Grosvenor,	Mickey,	Stevens, Minn.
Burton,	Hamilton,	Miers, Ind.	Stewart, N. Y.
Butler, Mo.	Haugen,	Miller,	Storm,
Butler, Pa.	Heatwole,	Minor,	Tawney,
Candler,	Hedge,	Moody, N. C.	Taylor, Ala.
Cannon,	Henry, Conn.	Morgan,	Thomas, N. C.
Clark,	Henry, Miss.	Morrell,	Trimble,
Conner,	Henry, Tex.	Naphen,	Van Voorhis,
Cooper, Tex.	Hill,	Nevin,	Wadsworth,
Corliss,	Holliday,	Newlands,	Warner,
Cousins,	Hopkins,	Norton,	Warnock,
Creamer,	Howard,	Olmsted,	Watson,
Cromer,	Jack,	Pearre,	White,
Crowley,	Jackson, Md.	Powers, Me.	Wooten,
Dahle,	Jenkins,	Powers, Mass.	Young,
Dayton,	Jones, Va.	Prince,	Zenor.
De Graffenreid,	Joy,	Randell, Tex.	
Dovener,	Kahn,	Reeder,	
Driscoll,	Kern,	Reeves,	

So the report of the committee of conference was agreed to.

Mr. VANDIVER. Mr. Speaker, I desire to ask whether the gentleman from Minnesota [Mr. STEVENS] has voted?

The SPEAKER. He has not.

Mr. VANDIVER. Then I desire to withdraw my vote, which was cast in the negative, and to be recorded present, as I am paired with that gentleman.

Mr. DAVEY of Louisiana. Mr. Speaker, I voted no; but as I find I am paired, I desire to withdraw my vote and be recorded present.

Mr. GREEN of Pennsylvania. Mr. Speaker, I find that my colleague, Mr. MORRELL, with whom I am paired is not here. Therefore I desire to withdraw my vote, and be marked "present."

Mr. TAYLER of Ohio. Mr. Speaker, I wish to ask whether the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] has voted?

The SPEAKER. He did not.

Mr. TAYLER of Ohio. I voted in the affirmative; but I wish to withdraw my vote, as I am paired with the gentleman from North Carolina, and ask to be recorded as present.

Mr. COWHERD. Mr. Speaker, I voted in the negative; but, as I am paired with the gentleman from Wisconsin [Mr. TAWNEY], I desire to withdraw my vote and be marked "present."

The following pairs were announced:

For the session:

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. METCALF with Mr. WHEELER.

Mr. YOUNG with Mr. BENTON.

Mr. BULL with Mr. CROWLEY.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. WRIGHT with Mr. HALL.

Mr. KAHN with Mr. BELMONT.

Mr. BOREING with Mr. TRIMBLE.

Mr. HEATWOLE with Mr. TATE.

Until further notice:

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. IRWIN with Mr. GOOCH.

Mr. JACK with Mr. FINLEY.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. LANDIS with Mr. CLARK.

Mr. FLETCHER with Mr. RICHARDSON of Alabama.

Mr. CROMER with Mr. ZENOR.

Mr. GILL with Mr. McANDREWS.

Mr. EVANS with Mr. HENRY of Mississippi.

Mr. TAWNEY with Mr. COWHERD.

Mr. MINOR with Mr. HOWARD.

Mr. SHATTUC with Mr. RUCKER.

Mr. CANNON with Mr. McRAE.

Mr. GROSVENOR with Mr. SNOOK.

Mr. SHELLEN with Mr. LEVER.  
Mr. SKILES with Mr. TALBERT.  
Mr. STEELE with Mr. COOPER of Texas.  
Mr. SHOWALTER with Mr. SLAYDEN.  
Mr. RAY of New York with Mr. LANHAM.  
Mr. GARDNER of Michigan with Mr. JOHNSON.  
Mr. HOLLIDAY with Mr. MIERS of Indiana.  
Mr. PRINCE with Mr. GRIFFITH.  
Mr. MANN with Mr. JETT.  
Mr. BOUTELL with Mr. GRIGGS.  
Mr. VAN VOORHIS with Mr. GORDON.  
Mr. SOUTHARD with Mr. NORTON.  
Mr. LOVERING with Mr. DINSMORE.  
Mr. REEVES with Mr. BANKHEAD.

For ten days:

Mr. STEVENS of Minnesota with Mr. VANDIVER.

For one week:

Mr. TAYLER of Ohio with Mr. WILLIAM W. KITCHIN.

Until the 11th of May:

Mr. MOODY of North Carolina with Mr. KLUTTZ.

Mr. KETCHAM with Mr. SNODGRASS.

Until the 12th of May:

Mr. HEDGE with Mr. WILSON.

Mr. GILLET of Massachusetts with Mr. NAPHEN.

Until Monday next:

Mr. WARNER with Mr. CANDLER.

For this day:

Mr. CONNER with Mr. LASSITER.

Mr. ALEXANDER with Mr. RUPPERT.

Mr. FOSTER of Vermont with Mr. POU.

Mr. ACHESON with Mr. BROUSSARD.

Mr. BARNEY with Mr. BUTLER of Missouri.

Mr. BARTHOLDT with Mr. CREAMER.

Mr. BEIDLER with Mr. FLEMING.

Mr. BINGHAM with Mr. NEWLANDS.

Mr. BISHOP with Mr. FLOOD.

Mr. BURLEIGH with Mr. FOSTER of Illinois.

Mr. BUTLER of Pennsylvania with Mr. FOX.

Mr. CORLISS with Mr. GLENN.

Mr. COUSINS with Mr. HENRY of Texas.

Mr. FORDNEY with Mr. JONES of Virginia.

Mr. FOSS with Mr. MAHONEY.

Mr. GRAHAM with Mr. KERN.

Mr. HAMILTON with Mr. LATIMER.

Mr. HAUGEN with Mr. McLAIN.

Mr. HENRY of Connecticut with Mr. MICKEY.

Mr. JENKINS with Mr. RANDELL of Texas.

Mr. JOY with Mr. SCARBOROUGH.

Mr. MERCER with Mr. SHAFROTH.

Mr. OLMSTED with Mr. SHEPPARD.

Mr. WATSON with Mr. SPIGHT.

Mr. RUMPLE with Mr. THOMAS of North Carolina.

Mr. WARNOCK with Mr. WHITE.

Mr. SMITH of Illinois with Mr. WOOTEN.

On this vote:

Mr. DOVENER with Mr. HENRY of Mississippi.

Mr. BRISTOW with Mr. FITZGERALD.

Mr. BABCOCK with Mr. CLAYTON.

The result of the vote was announced as above stated.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 3, 1902:

H. R. 4008. An act granting a pension to Christopher Columbus Sheets;

H. R. 4945. An act granting a pension to Shadrack I. Corbett;

H. R. 4994. An act granting a pension to Lydia Carr;

H. R. 5150. An act granting a pension to Mary C. Trask;

H. R. 7678. An act granting a pension to Mary Holmes;

H. R. 8349. An act granting a pension to John Watts;

H. R. 9625. An act granting a pension to Elizabeth L. Beckett;

H. R. 11895. An act granting a pension to Thomas Holloway;

H. R. 12370. An act granting a pension to Ida M. Briggs;

H. R. 13575. An act to grant a right of way to the Warrior Southern Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvements of the Black Warrior River and known as Lock 4;

H. R. 13025. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stat., 796), applicable to the State of Utah;



H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.;

H. R. 986. An act for the relief of Edward R. Stackable, collector of customs for the district of Hawaii;

H. J. Res. 61. Joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic; and

H. R. 12938. An act to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River.

On May 5, 1902:

H. R. 9952. An act granting a pension to William P. Featherstone;

H. R. 11977. An act granting a pension to Sidney Cable;

H. R. 12504. An act granting a pension to James B. Hashbargar;

H. R. 282. An act granting an increase of pension to John O'Rourke;

H. R. 2599. An act granting an increase of pension to John Hall;

H. R. 2660. An act granting an increase of pension to Henry Runnebaum;

H. R. 4426. An act granting an increase of pension to Daniel Sims;

H. R. 4543. An act granting an increase of pension to George W. Parker;

H. R. 5511. An act granting an increase of pension to James D. Bowland;

H. R. 5711. An act granting an increase of pension to James R. Brockett;

H. R. 5789. An act granting an increase of pension to Joseph Seithen;

H. R. 6205. An act granting an increase of pension to Richmond M. Curtis;

H. R. 6356. An act granting an increase of pension to William G. Taylor;

H. R. 7116. An act granting an increase of pension to Alexander F. McConnell;

H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;

H. R. 9144. An act granting an increase of pension to James R. Wilson;

H. R. 9370. An act granting an increase of pension to John J. Wolfe;

H. R. 10361. An act granting an increase of pension to Alexander Scott;

H. R. 11091. An act granting an increase of pension to James Cooley;

H. R. 11112. An act granting an increase of pension to Agnes Young;

H. R. 11168. An act granting an increase of pension to Isaac Phipps;

H. R. 12550. An act granting an increase of pension to James E. Horton; and

H. R. 13066. An act granting an increase of pension to Obed D. Jasper.

On May 7, 1902:

H. R. 1964. An act to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan; and

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River, between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

RELIEF OF ROBERT J. SPOTTSWOOD AND HEIRS OF WILLIAM C. McCLELLAND.

Mr. GRAFF. Mr. Speaker, I desire to present a privileged report, and I ask unanimous consent that the statement alone be read.

The SPEAKER. The gentleman from Illinois calls up a conference report and asks unanimous consent that the reading of the report be omitted and that the statement only be read. Without objection, this course will be pursued. [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read as follows:

The undersigned managers on the part of the House, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClelland, deceased, beg leave to submit in connection with their conference report the following statement:

This claim is for carrying a much larger amount of mail over route 38122, and also over the route from Fairplay to Leadville, than was expected to be carried or could reasonably be foretold at the time the contract was made for the performance of the service. The increase of mail was due to the unprecedented growth of the city of Leadville, Colo., in a few months, from a small mining camp of 200 inhabitants to a community of 15,000 persons, most of whom were men sending and receiving mail daily. The service was in the years 1878 and 1879. The House bill carried an appropriation of \$10,000, but

was amended in the Senate by striking out the words "ten thousand" and inserting in lieu thereof the words "fifteen thousand seven hundred and thirty-one." The effect of the recommendation of the committee of conference of the two Houses is to increase the amount appropriated by the House from \$10,000 to \$12,500 in settlement of said claim.

JOSEPH V. GRAFF,

D. J. FOSTER,

Managers on the part of the House.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClelland, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the words stricken out by the said amendment insert "twelve thousand five hundred."

And the Senate agree to the same.

JOSEPH V. GRAFF,

D. J. FOSTER,

PETER J. OTEY,

Managers on the part of the House.

BOIES PENROSE,

H. C. LODGE,

A. S. CLAY,

Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. LOUD. Mr. Speaker, I would like to be heard a moment on this.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. GRAFF. I yield ten minutes to the gentleman from California.

Mr. LOUD. Mr. Speaker, when this claim was brought up here the other day, not having received the consideration of the House, I took the opportunity to investigate the case, as the report does not seem to me to give the facts to the House. Claims of this character go pretty generally to the Post-Office Committee, although I am willing to admit that the Committee on Claims is entitled to claims, but it has been a custom for many years. Before I was a member of Congress there was a subcommittee of the Post-Office Committee, designated a subcommittee on claims. The Post-Office Committee deals with matters of this character.

Now, here is a case where one side has been heard, and that is the side of the claimant, and some years ago the Senate passed a bill for some \$28,000. This year the House passed this bill for \$10,000 on the claim that the increase of mail was so great that the claimant was entitled to something. I suppose that is the ultimate conclusion of the committee. Now, the statement was made, I see, in the discussion that this claim was so old that whatever evidence there may have been in the Post-Office Department was not accessible—that it was lost.

I took occasion to go to the Post-Office Department and found all there ever was to this case. This man never made any complaint about an increase of mail until more than nine months of his contract had elapsed, and that was when his contract was cut down the first time—that is, some 20 miles, I think, having been taken off it—and then on a sheet of note paper these contractors claimed that the mail had increased very materially by reason of the fact that they were making better time than schedule time into Leadville, and thereby secured mail that otherwise would have gone by some other route.

Now, then, one of the equities in this case is that they carried locked mail over another route. That is one of the equities urged. Now, permit me to say that these parties were not contractors over that route. I am willing to admit, however, that they may have been subcontractors, but they were not even subcontractors of record; and as subcontractors, admitting that they were, they had no claim against the Government of the United States. There are probably a hundred cases of this kind. I do not know but what there are 500 as old as this, and many of them have much stronger evidence than this case.

Now, while \$12,500 is not a great amount of money, yet if Congress shall pass one case where there is not a scintilla of evidence in the Post-Office Department, and where there was no extra work done, then you must necessarily establish a precedent that those who have greater claims should be passed, too. I suppose the case has gone too far. I did not happen to be in the House at the time the case was called up, and probably if I had it would have passed just the same.

I see that the gentleman from Massachusetts (Mr. Moody) had some controversy with either the chairman of the committee or some member of it, and made the suggestion that he hoped this would not be accepted as a precedent, and I think the person questioned said, "Oh, no; it should not be accepted as a precedent." Yet, if it is passed, it must be accepted as a precedent. Now, then, this claim was passed once for \$28,000, and if they are entitled to \$28,000 they should have it; they should not have \$12,500.

But I say to the gentleman and to this House that the Post-Office Department, the parties who should be communicated with in a case of this kind, have not and never have had any evidence in relation to the carrying of any large amount of mail here except this one letter, written on a sheet of note paper, nearly a year after this gentleman began his contract and during the period for which it is claimed the largest amount of his claim accrued—that is, \$7,600, where you figure \$15,731 was earned before he ever made any complaint—and then it was simply a suggestion that by reason of the fact that they were making better time than contract time that they were getting more mail.

Now, why did they make better time? Because there was opposition and they had to make better time. Another equity urged in this claim, although I see it is not contained in this report, is that they had a contract for carrying this mail for six days and they carried it for seven. Now, they asked to carry it for seven days. They run the stage seven days and they had to carry the whole mail anyway, and they wanted to accommodate the people or they wanted to cut Monday's mail and make two loads of it, and hence came to the Post-Office Department and asked that they might be permitted to carry this mail seven days.

That was another one of the equities urged when this claim was \$28,000. I felt as the case was called to my attention that I could not permit this matter to pass without offering these suggestions. I do not believe this case should receive the assent of Congress. I will not deny that the men may have some equities, but the Post-Office Department never has been heard in this case. The gentleman's claim has been presented wholly on his own side, and the Government, which is interested, never yet has had the opportunity to appear in this case.

Mr. SHAFROTH. Will the gentleman yield to me for five or ten minutes?

Mr. GRAFF. I yield to the gentleman for ten minutes.

Mr. SHAFROTH. Mr. Speaker, the facts in connection with this case are plain and, it seems to me, ought to convince anyone that there are great equities in the case. It appears that there was a contract entered into by these parties with the Government to carry the mail from a town by the name of Morrison to Fairplay, and then another contract between Fairplay and Leadville. Whether that latter contract was directly with these parties or whether they were subcontractors is immaterial, because it is unquestioned that they carried the mail. At the time that contract was let Leadville was a place where there were 200 people living. The great carbonate discovery was made at that time, and in less than a year, much less than this contract provided for, say for almost all the time, this amount of mail jumped from 150 pounds a day to over 2,000 pounds.

Now, no one can contend that the contractor contemplated carrying mail of this size at the price he had taken it on an average of 150 pounds per day; and if that is correct, and the mail almost instantly increased from carrying the mail for 200 population to 15,000 population, it seems to me that no one can contend that there is not great equity in this bill.

Now, what is the amount? The Senate committee reported \$28,500 as the proper amount to compensate these people. It passed in the Senate at that amount. When it came over to the House it was not considered. This bill has been introduced time and time again. At the last session of Congress it was reported by the House committee at \$15,700. It has been passed by the Senate at \$15,700. The House cut it down to \$10,000. The Senate reported it at \$15,700, and it passed the Senate at that. The conferees have now agreed that the amount should be divided, and that \$12,500 should be the amount.

Now, Mr. Speaker, when we take into consideration the amount of the cost of transporting goods at that time and transporting express matter at that time between these points and Leadville, it seems to me that no one could contend that this is an exorbitant amount that is allowed. The price of express matter was about 7½ cents. Now, 7½ cents a pound on 2,000 pounds would make the carrying of this mail \$52,000 that these parties should get; and by reason of being compelled to carry this mail matter they were compelled to refuse express matter that they might have carried.

Mr. LOUD. They could put on another stage.

Mr. SHAFROTH. Oh, I do not know as to that. They say they had to turn it over to other contractors, to other parties, without any right to have any compensation for the express matter; and if they had carried the express matter that would have resulted in their getting \$52,000. Now, in equity it is fixed that the Government is to pay them \$12,500. The gentleman from California has stated that one of the equities in this case is that they took their mail by another route, because it was a shorter route; but he does not tell the House that they were also compelled to carry the mail by the long route. There was at the time a desire on the part of the people of Leadville to get their mail in quick, and you make them get from the man who was

the agent for the Colorado post-office department, to require them to carry like mail, only a portion of it, by a shorter route, and that route was from a point called the Western Pass.

Mr. LOUD. Will the gentleman allow me? These parties do not appear as contractors over that route or as the agent of that route.

Mr. SHAFROTH. Nevertheless they carried the mail. They may have been subcontractors. It is the same thing. They never expected that the mails would be over 200 pounds, and consequently they have an equitable claim to it the same as they have in the matter of Leadville.

Mr. LOUD. But I say to the gentleman that they do not appear at all to have been the contractors. They may have been subcontractors.

Mr. SHAFROTH. That is all.

Mr. LOUD. But their names do not appear.

Mr. SHAFROTH. But the evidence shows that they carried the mail, and that the mail increased from 150 pounds to over 2,000 pounds a day, and that they were required to carry like mail by a shorter route. That is the evidence, plain, according to the evidence that has been submitted, and it seems to me—

Mr. LOUD. They were not required to carry the mail that way.

Mr. SHAFROTH. They, by virtue of their special contract, were required to do so.

Mr. LOUD. They took another route entirely, and it has nothing to do with this.

Mr. SHAFROTH. Oh, yes; this is in liquidation of both claims. It says so in the bill itself. According to this, they were required to take the locked mail by one route—the shorter route—and at the same time take the heavy mail around by another route which was much longer, and consequently it required double the force, almost double the number of men, double the horses, double the coaches that were required to take the mail by the one route. It was for the accommodation of the people and at the instance and at the direction of General Adams, the superintendent of the Post-Office Department in Colorado.

Mr. GRAFF. What kind of roads did they travel over?

Mr. SHAFROTH. The crudest kind of mountain roads.

Mr. LOUD. Were they any worse than when they took the contract?

Mr. SHAFROTH. I do not know whether they were or not. They took the contract on the supposition that the mail would be a hundred and fifty pounds a day instead of a mail being 2,000 pounds a day, and there is a good deal of difference between hauling a mail over rough mountain roads that weighs 150 pounds and when it weighs 2,000 pounds.

Now, if you compute this on another theory, if you take the amount of mail actually carried and compare it with the amount the Government was to pay on the theory that it was 150 pounds, then the contract would entitle these parties to \$46,000 over one route alone. But the Government has allowed only \$12,500.

Mr. PAYNE. Did they not carry fifteen times as many passengers on account of the growth of the travel?

Mr. SHAFROTH. I do not know about that.

Mr. PAYNE. Have they made any proposition to divide up the profits on that with the Government to make the thing equitable all around?

Mr. SHAFROTH. The gentleman will find that this mail had to be carried by special wagons and coaches.

Mr. LOUD. Oh, no.

Mr. SHAFROTH. They could not carry 2,000 pounds of mail and carry passengers besides over these mountain roads. Two thousand pounds of mail matter would constitute a load of itself, and they could not carry many passengers besides.

Now, Mr. Speaker, this bill has been considered by a committee of the House, by a committee of the Senate, not alone at this session, but in a number of sessions, and the Senate has passed the bill repeatedly at higher figures than the amount that the conference committee agreed to; and in addition to that the House committee has approved by its own vote on a previous occasion a greater amount than the amount recommended by the conference. It seems to me, under these circumstances, that the conference report ought to be approved.

Mr. GRAFF. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The motion was agreed to.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

Mr. KNOX. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal



footing with the original States. And pending that motion I ask unanimous consent that the time be equally divided between those who favor the bill and those opposed to the bill, and that the gentleman from Tennessee [Mr. Moon] control the time on the other side and that I be allowed to control the time on this side.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12543) known as the "statehood bill;" and pending that motion he asks unanimous consent that the time be equally divided between the two sides of the House, the time on the right to be controlled by the gentleman from Tennessee [Mr. Moon], and the time on the left to be controlled by the gentleman from Massachusetts [Mr. Knox].

Mr. GROSVENOR. I would like to inquire of the gentleman from Massachusetts if the gentleman from Tennessee and the gentleman from Massachusetts are not both on the same side of this question?

Mr. KNOX. I had already stated that the time should be equally divided between those who opposed and those who favored the bill.

The SPEAKER. That would follow without any request.

Mr. KNOX. I will agree to extend all the time desired to the gentleman from Ohio or any other gentleman he designates, and in the order that he designates.

Mr. GROSVENOR. I think the custom has always been, when there are two sides and the time is to be divided and controlled on the floor instead of by the Chair, that both sides should be represented in the control of the time.

Mr. KNOX. It is customary and usual that a part of the time be controlled on one side and part on the other, and I assure the gentleman that he shall lose no opportunity.

Mr. SHERMAN. Why not let the Chair control it? You fix no limit to debate.

Mr. KNOX. Oh, no.

Mr. SHERMAN. Why not leave it to the Chair, with the understanding that the time is to be equally divided?

Mr. KNOX. Gentleman on one side and the other desire to have an equal division in that regard; that as many shall speak upon that side of the House as upon this.

Mr. SHERMAN. I assume that would be followed as near as might be. On the Cuban bill, for instance, those against the bill occupied more time than those in favor of it, but the Chair divided it as nearly equal as he could, and I assume that course will be followed in this case.

Mr. KNOX. If we have an absolute agreement that it should be divided—

Mr. PAYNE. It is not usual to divide the time this way and farm it out on either side, unless there has been a time agreed upon as a limit to the debate, and I suggest that the gentleman let it go.

Mr. KNOX. I agree to the force of what gentlemen say. The complication arises from the fact that the gentleman from Tennessee is in favor of the bill and I am in favor of the bill, which makes it rather an unusual state of affairs.

Mr. PAYNE. Then it is all the more necessary that the Chairman should control the matter. I suggest to the gentleman to withdraw the proposition. I do not like to object; but if he insists, I shall be obliged to do so.

Mr. KNOX. Very well; I withdraw the request.

The SPEAKER. The question is on the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HEMENWAY in the chair) and proceeded to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KNOX. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. KNOX. Mr. Chairman, this is a bill embracing acts to enable Arizona, New Mexico, and Oklahoma to form constitutions and be admitted into the Union on an equality with the other States. The bill has the unanimous indorsement of the Committee on Territories. If there was any doubt whatever in the minds of the committee—and I do not say that there was—upon the question of admitting any Territory, there was no doubt that if any one of the three Territories was entitled to admission they all were. There was no well-defined dividing line of principle or precedent upon the one side or the other. It could not be said that one Territory was entitled to admission and another was not.

Would you undertake to say that a Territory having 500,000 people was entitled to admission and a Territory having 200,000

was not? Then you would have to face the precedents of the past, admitting a majority of the Territories of this country with less population than 200,000. Would you say that a Territory having \$60,000,000 of taxable wealth should be admitted and one having \$30,000,000 should not? Then you would run counter to the precedents under which a majority of the Territories have been admitted with property of less value. Would you raise an issue in regard to the territorial extent of these communities? Then the decision would still be in favor of admitting all. From the evidence submitted it was impossible to say that the people of any one of these Territories so far excelled the people of any other, either morally or intellectually, that the one should be admitted and the others should not.

Then, in view of the declared policy of both of the great parties of this country, the Democratic and the Republican, that all these Territories were entitled to admission, the conclusion was irresistible that they were entitled to these enabling acts, and the committee accordingly reported the bill.

The three measures embraced in this bill are entirely separate. Although contained in one bill, which has been called an "omnibus bill," they do not run into each other or relate to one another in any way. They are, in fact, separate bills. They are similar to bills formerly passed by Congress for the creation of States from Territories. They are well founded upon past precedents; and while gentlemen may differ in opinion as to the propriety of admitting any or a part or all of these Territories, I do not think it will be found that the bill in itself is not well calculated to carry out the purpose desired, is not sufficient, with possibly slight verbal amendments, for the object in view, if it shall be the opinion of the House that it is just and reasonable at this time to admit these Territories.

The bill provides that the electors of each of these three Territories—those qualified to vote—may choose delegates to a convention. Oklahoma will have a convention of 75 delegates; Arizona a convention consisting of 36 delegates; New Mexico a convention consisting of 111. The house and council of Arizona have about 36 members. The representation in the other two Territories is enlarged, for no other reason that I could ascertain except to arrive at fair fractions in dividing the people of the Territories.

The qualification of electors is generally that they shall be citizens of the United States, 21 years of age, and residents for six months within the Territory, with the exception of Arizona, where a residence of one year is required. The convention is to be called in Oklahoma by a proclamation of the governor within sixty days after the passage of the act; in Arizona and New Mexico within thirty days. The conventions are to be respectively at the capitals of the various Territories. I should have said in passing that the apportionment for the election in Oklahoma is to be made by the governor, the secretary of the Territory, and the chief justice.

Each convention, when it has met, shall adopt the Constitution of the United States, and thereupon is authorized to form a State constitution, which shall contain the general provisions of our constitutions, including the broad guarantees of the rights of citizens—what is called the "Declaration of Rights."

The constitution is to be republican in form, making no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and, of course, is not to be repugnant to the Constitution of the United States. These constitutions are to provide, first, toleration of religious sentiment. No inhabitant shall ever be molested in person or property on account of his or her mode of religious worship.

The people also in this constitution disclaim forever all rights to the public lands lying in these Territories and the lands which have been set apart for the Indians. They still are to remain in control of Congress. Now, there is one special provision in regard to the constitution of Oklahoma to which I wish to direct the attention of the committee. It provides that the Territory of Oklahoma shall in its constitution by irrevocable ordinance express its consent that the Indian Territory, in whole or in part, may at any time be annexed to it and become a part of the State.

There is difference of opinion as to whether the Indian Territory should become a part of Oklahoma, and the power to decide that is in Congress, and this bill leaves it in Congress in the future, but compels Oklahoma in its constitution to consent to whatever act Congress may take in that matter. The convention, after adopting the constitution, provides by an ordinance for submitting that constitution to the people of the Territory. If the people of the Territory ratify it when submitted by a majority vote, then the result is transmitted to the President of the United States. If the constitution is found to conform to the provisions of the Federal Constitution, then he in proclamation announces the result and the Territory becomes a State.

It is also provided that this convention may enact that the Representatives in Congress and the State governments may be elected at the same time that the question of the ratification of

the constitution is submitted to the people, but that the State government shall remain in abeyance until admission to the Union is finally declared. It is provided in the bill that Oklahoma shall have two Representatives until the next census or until Congress shall otherwise enact.

Arizona has one Representative until the next census and New Mexico one Representative until the next census or until Congress shall act. It also provides that after the State is admitted the legislature may meet and elect two United States Senators, and they, with the Representatives, shall be admitted, with all the rights and privileges of Senators and Representatives in Congress. The bill extends to these new States a part of the public lands for school purposes, for public buildings, and for internal improvements. The bill gives four sections to each State—16 and 36, 13 and 33.

New Mexico has already had two, so she takes two by the bill. The lands that are given to Oklahoma have been substantially those given by previous acts of Congress, and upon which it is unnecessary to comment. Ten per cent of the future sales of public lands in these Territories are given for school purposes. This is an increase of 5 per cent of the amount that has been given to Territories in the past, with the exception of Utah, but the committee felt they should be liberal with these three Territories in the matter of public lands and the school funds, and, with the exception of Utah, this is the first time that we have attempted to appropriate what are called desert lands in States that are admitted. The lands are not of the value, of course, of those of the States that possess richer soil.

In lieu of other general provisions for the support of schools which the general law provides the land is given here, naming the amount of acres that go to each State and limiting the purpose for which it is given. The courts are changed to conform to other courts in the States of the United States. Each one of the Territories is made a judicial and an internal-revenue district. A district court is created, with a judge at a salary of \$5,000 per annum, and a marshal and clerk are provided, who are to be paid as they are now paid in the Territories.

Oklahoma is placed in the eighth judicial circuit, Arizona in the ninth, and New Mexico in the eighth judicial circuit. Provision is made for the preservation of the status of litigation and the succession of one line of courts to the other, so that the rights of all parties litigant will be preserved and amply carried out. These are the substantial provisions of the bill. When it comes to be read under the five-minute rule, if there are errors or faults they can be easily remedied.

I do not think it is necessary to take the time of this committee to urge the justice and the reasonableness of the claim of Oklahoma to be admitted to the Union. I believe that almost every gentleman on the floor would be quite willing and desirous to vote for the admission of Oklahoma. If Oklahoma needs any credential for admission to the Union, it is found in her brief history of only twelve years. You know what the Territory is. Its extent is about equal to Ohio. It has a mild and healthful climate; it has the rich prairie soil of Iowa, Nebraska, and Kansas. It is more fortunate than her sister Territories of New Mexico and Arizona in having a sufficient rainfall. It is almost the paradise of the agriculturist, and one remarkable thing about it is that nearly all the land in Oklahoma is occupied.

There are but 4,400,000 acres left of all the lands now open to homestead law, and the homestead law has prevailed there in the occupation of land in the past. It is a Territory of homes, and idleness in Oklahoma does not exist from choice. Now, what population is there in this Territory? More than half a million people—people who have come from the States. Men who have gone to better their condition; men who do not seek the prizes of life without being willing to work for them. They are an educated people. The percentage of illiteracy in Oklahoma is 3 per cent, which compares very favorably with any other State or Territory or any other part of the United States.

They have been there, we may say, twelve years, and everybody knows what they have accomplished. They have created \$60,000,000 of taxable wealth by the last census returns. They have established 50 cities and towns, containing every necessity and convenience of modern civilization. They have carried there a free press. More than 200 newspapers—daily, weekly, and monthly—are published there, some of them of a very high order of literary merit.

They have established there not only the free press, but they have established the free school, according to the American idea of school, that is represented first in the district school and that culminates in the normal school and university. They have one of the most excellent school systems in the country. They have about 2,500 district schools in Oklahoma and the same number of teachers there. It may truly be said, and is said, that there is not a home in Oklahoma but what is in convenient distance of a good common school. There are 114,000 school children. We

have admitted Territories into the Union as States whose whole population did not equal the number of school children to-day in the Territory of Oklahoma.

In addition to this they have higher educational institutions. They have a university there, an agricultural and mechanical college, and two normal schools, and they have a normal university for colored students. In addition, they have in preparation one establishment for a normal school and a university preparatory school, and the buildings for these are already in process of construction. I wish to say here in passing, for the credit of people in Oklahoma, that their public buildings, their schoolhouses, are far in advance of those in many of our oldest communities. The attendance upon these higher institutions in Oklahoma was 1,887 students. In addition to all this, the Government has a number of Indian schools there which have been founded in the past.

They have the free church. The value of church property in Oklahoma is half a million dollars, and the church membership of Oklahoma is 65,000. The commerce of Oklahoma was very extensive last year; and they have the means of carrying on this commerce, as shown by the resources of the banks, \$14,000,000; and deposits, \$12,000,000. Now, we have in this Territory, a free press, free schools, and a free church; let us give them the free town hall, with a free polling place, where they can vote for their own rulers and their own lawmakers. [Loud applause.] Such is this Territory of Oklahoma; peerless among the Territorial Commonwealths. Its people will be proud of their place in the Union of States; but I believe the people of the nation will be proud when they look upon the new star upon the flag.

While all are substantially agreed as to Oklahoma, there is among members some difference of opinion as to New Mexico and Arizona, and in many respects New Mexico and Arizona may be considered together. New Mexico is the oldest of our Territories. It has been a Territory for more than fifty years. This applies also to Arizona, because Arizona was a county at one time of New Mexico, and was so for many years, Arizona being made a Territory in 1861.

The land which comprises these two Territories was taken from Mexico by conquest, and taken fifty years ago; and since that time the people of this Territory, including Arizona, have seen California admitted as a State; also Colorado and Utah, part of the same Territory, and they have been refused. It is not surprising that there is a feeling of disappointment and a feeling that they have been wronged, that they have been injured—perhaps not entirely just.

Now, we have some claim. I do not go to the full extent of saying that New Mexico was absolutely promised immediate admission into the Union as a State, but there is very much force in the claim that she was promised admission to the Union by the treaty of peace concluded February 2, 1848, known as the treaty of Guadalupe Hidalgo. By that treaty it was provided that—

Territory acquired by the Mexican war and under the treaty should be incorporated into the Union of the United States and be admitted at the proper time to be adjudged by Congress of the United States to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.

Now, there is no definite time fixed when this most glowing and beneficent promise made to the people of New Mexico should be fulfilled, but I think that lawyers, and, indeed, all members of the House, would agree that it meant that they were going to be admitted early. At any rate it meant they were to be admitted in a reasonable time—not that they were going to be kept out indefinitely. There was no condition about this treaty of Guadalupe Hidalgo that they were to remain a Territory for fifty years. If there had been I do not believe it would have been signed.

Neither do I find in this treaty any provision that they should be admitted as a Territory when a majority of the people are Whigs, Democrats, Republicans, or Know-nothings. We find nothing of that kind in the treaty that was made with these people.

Mr. GROSVENOR. With what people?

Mr. KNOX. Not with the people; the treaty was made with Mexico, but the promise was made to these people.

Mr. GROSVENOR. I do not understand it so.

Mr. KNOX. I am afraid the gentleman is not listening.

Mr. GROSVENOR. Oh, yes; I am listening.

Mr. KNOX. It was the territory acquired by the war which was covered by the treaty. If we made the promise, let us keep it, and if we did not make it, we are not bound to keep it. That is all there is to that.

Now, since that time, the people of New Mexico have been to Congress over and over again for admission as a State. They felt that they were entitled to be admitted at the same time California was, which you all remember came in at once, without any Territorial government at all, practically. At that time they formed a State constitution; they elected Senators and elected Representatives fifty years ago and sent them to Washington, supposing they were to march in, in all the panoply of a great United States



Senator and perhaps the somewhat lesser panoply of a member of the House of Representatives, and be received.

They were disappointed and went home. Since that time they have formed three State constitutions in New Mexico for the purpose of being admitted as a State. Every one of these constitutions will compare favorably with the constitution of any State in the Union to-day. It shows the character of the people, and what laws they would form if you gave them a chance. When they had the chance themselves they formed the most admirable constitution, which shows that they will do it again if we will let them have the privilege that they seek here.

In addition to showing that, it shows that the people of New Mexico want to come into the United States. That is something. If there is a class of people in this great country that want to become a part and parcel of the Union of States, and it is settled that some time or other they are to be a part and parcel, that that is their destiny, that to me is a good reason why the privilege should be granted to them. It shows also that when we do admit them they will take an interest and pride in becoming the equals of the other States.

But suppose we leave out all questions of equity and look at New Mexico as it is for a moment. It is vast in size. It contains about 122,000 square miles. It is as large as the Kingdom of Great Britain, Ireland, and Wales. It is a land of sunshine, good climate, and cloudless skies. Its misfortune is, as well as the misfortune of Arizona, that so much of the Territory is arid land. But it possesses a vast amount of the finest land. They have great grazing lands in New Mexico. Their shipments of cattle at the present time are very large, and New Mexico also is a great sheep-producing and great wool-producing country.

I think it is the greatest in the United States, even exceeding the great wool products of the State from which the gentleman from Ohio [Mr. GROSVENOR] comes. I have some gratification in that, because they made this great increase after we had given them the schedule of the Dingley bill that my friend from Ohio had some slight hand in making.

New Mexico, while it is arid, has a large number of fine streams. The valley of the Rio Grande, the Canadian, the Pecos, the San Juan, and the Gila rivers are broad and fertile domains in themselves—great states in themselves, the valleys of those rivers.

New Mexico is rich in minerals, rich in the precious metals, but the chief mineral wealth of New Mexico is in coal. She has almost boundless resources in the possession of fine coal, which is one of the surest foundations of future prosperity that any Territory can possess—the great power upon which we must depend for years, and, so far as human foresight can see, for centuries to come.

I am not going to read any extracts from reports, but I wish to say just a word in regard to mineral deposits. The coal and coke industry in that Territory gives employment to 2,000 persons. The coal output for the last fiscal year was 1,217,530 tons, valued at the mines at \$1,606,000.

The coke production is 42,732 tons. According to official statistics, the percentage of increase of the coal production of New Mexico is greater than the percentage of the whole of the United States or of Colorado or of the great coal State of my friend from Wyoming. There can be no doubt that from now on the coal output of New Mexico will increase rapidly. For this year arrangements have been made or are being made to develop large coal fields heretofore untouched, and in less than a decade New Mexico will surpass Colorado, Wyoming, or any other Western State as a coal producer.

A very significant fact in regard to New Mexico is the impetus that seems to have been given in the last few years to business. There has been a steady growth, as is indicated among other ways, by railroad construction. The railroads are very quick to take advantage of prospective rapid development. They examine very carefully at the present time—I will not say they always did, with reference to future development—before they build railroads extensively. There are more than 700 miles of railways now in construction in New Mexico, and the prospect is good for 1,000 miles being added during the present year.

A word about the people of New Mexico. There has been a great deal of talk about those people—about their being Spaniards and Mexicans and "greasers"—people who do not come up to the American standard, who have lain without progress for a great many years. Such is not the fact. As nearly as I can ascertain from the statistics and from the other information obtainable, not over two-fifths of the people of New Mexico are of Spanish or Mexican descent.

The number of people in that Territory was given by the last census at 195,000, but the claim is made by the governor, upon very good reasons, that the population there is much larger; that the census was taken at an unfavorable time of the year, and that the precincts which the census enumerators had to traverse were so enormous in comparison with those usually allotted to enumerators that it was impossible for an accurate census to be taken.

In some cases a single precinct was as large as the State of Rhode Island.

Of these people the best information is that about two-fifths are of Spanish or Mexican descent. But you must consider that any Spaniard in New Mexico, unless he be an immigrant, under 55 years of age, must have been born under our flag, is a native American, and is entitled to be designated by some other name than a Spaniard or a Mexican or a "greaser." The immigration into New Mexico from Mexico has not been worth considering. The persons constituting this Spanish population are permanent settlers. They do not possess even the same weakness which our own pioneers had of going forward to a place, staying a little while, and then, when they heard of something better farther on, moving forward. They are conservative; they are loyal; they are patient.

The people of New Mexico have always been patriotic. They sent their soldiers to the field in the war of the rebellion. They furnished some 6,000 men. I think they furnished all the troops that were used to defend New Mexico when it was invaded. There are to-day in New Mexico 1,200 pensioners; men who enlisted from that Territory to serve the cause of the Union; pensioners on account of wounds or disability incurred in that service for the Union. They are good enough for me to sit with as companions, whether in the House of Representatives or anywhere else. [Applause.]

New Mexico furnished her full quota of men for the Spanish war. Her membership in the Rough Riders, which our President commanded, was, I think, larger—I know it was larger per capita—than that of any other State or Territory in the Union. The soldiers they sent to the Spanish war, in all regiments and all branches of the service, were more numerous per capita than those of any other State or Territory of the Union. This is a proud record for the people of that Territory; and I am willing to take them by the hand and admit them here and bid them God speed in going forward with this great nation. [Loud applause.]

They are a cultivated and intelligent people. The immigration into New Mexico in recent years from the Western States has been large. During last year alone there were 7,000 homesteaders who settled in the Territory of New Mexico, and all these entered at a single land office. Hear what the governor of the Territory says:

The great increase in the number and extent of land entries in the Santa Fe land district during the past fiscal year is an indication that New Mexico is rapidly settling up and that a day is approaching when desirable Government land will be very scarce. During the fiscal year, in this one of the four land districts of the Territory, 349,189.54 acres were disposed of. At that rate it will be readily seen that it will not take many years before every available acre in the counties of Bernalillo, Colfax, Guadalupe, McKinley, Mora, Rio Arriba, San Juan, San Miguel, Santa Fe, Taos, Socorro, and Valencia, which comprise the Santa Fe land district, will have passed out of the ownership of the United States.

They have an excellent school system. I have heard considerable talk about the schools of New Mexico. I have heard it said by members of the House that they have schools in which Spanish is the language taught, and that that is decidedly objectionable. Generally speaking, that statement is not correct. They have a very excellent school system. It is the district school system of New England and the rest of the United States.

The governor is at the head of the educational board. The only provision in reference to the Spanish language that I can find in their school law is that in certain rural districts where the Spanish language is spoken the teacher who goes there shall be qualified to teach in both languages. And in looking over the list of school books that are authorized to be used in New Mexico I found but two that were in the Spanish language, and those were elementary readers. There are 800 schools in New Mexico. Of these I think there are only 50 where the Spanish language is taught at all.

I have heard it said that the public records in New Mexico were in the Spanish language. That is not so. They are all in the English language, and the only exception that I can find is that in some remote quarters where the Spanish language is spoken, in some outlying districts, if a man wishes to deed his property, where the man to whom he sells is a Spaniard, the deed is made in the Spanish language and when it is received at the recorder's office it is recorded in the Spanish language; but when there is a certified copy asked for to be used in court or in any proceeding, it is accompanied by an English translation.

They have in New Mexico the higher institutions of learning, the university, the College of Mechanics and Arts. The number of school children in New Mexico is 53,000. In this Territory, which the census gives as having a population of 195,000, the school children number 53,000, of whom 47,700 are enrolled as scholars, with an average daily attendance of 31,000, 90 per cent of the whole being enrolled on school rosters, and 60 per cent in actual daily attendance.

But I wish to call the attention of the committee to another fact

in regard to the schools in New Mexico. The legislature of New Mexico voted to tax the people 3 mills on a dollar for the support of the schools in that Territory. That is a larger per capita tax for the support of schools than any State or Territory has ever imposed upon its citizens. If there has been illiteracy in New Mexico, and I agree that there has been, this shows clearly that the people are determined and have made provision for its remedy.

Consider New Mexico previous to 1850. It was an outlying province of Spain and Mexico, entirely neglected. The first census taken showed that the illiteracy in New Mexico was 85 per cent. That was in 1870, and the next time it had gone down to 65 per cent. In the census of 1890 it had gone down to 44 per cent, and although the returns of the last census are not published yet, I find from inquiry at the Census Office that the illiteracy has dropped to about 20 per cent, just as it was predicted by the governor of New Mexico that it would appear to have done. It shows the advances that they are making in New Mexico.

I will not detain the House to read any figures on this subject. We have in Arizona the same excellent school system. We have fine school buildings; we have compulsory education; we have everything that promises advancement in the future. The resources of railroad building in Arizona equal those in New Mexico. Any fair consideration of the facts, any fair consideration of what we have done in the past with the Territories, will, I think and I hope, convince any man that these people are entitled to admission to the Union of States.

Here we have almost a million people asking Congress for admission to the Union. Why should they not be admitted? They have the population, they have the resources, they have the means for supporting State governments that the Territories have had in the past. I ask my friends here if it is not true that the real reason asserted why these million people should be kept out from the Union is because these Territories will have two Senators each when admitted as States. Is that the fault of the people? If it be a fault, is it not that of our system of government? The Constitution providing for two Senators for each State was in existence when the treaty of Guadalupe-Hidalgo was made, and the United States must have had it in view when they promised these people that they should be incorporated into the Union of States.

We talk about the disproportion. Is there any greater disproportion than there is between Delaware and Pennsylvania, between Vermont and New York, between New Jersey and Illinois? Will not the same disproportion always exist under our Constitution? It is not the fault of the people, and we can not remedy it. We must simply pass upon the rights of these people as they are.

But there is another reason given that does not impress me quite so strongly. Some one objects to the admission of one of these Territories because the two Senators that are likely to be elected will probably belong to the opposite political party from the objector.

Now, I do not place much consequence upon that sort of argument. If that is true, if political considerations are to control in the admission of the Territories, then the proposition is this, is it not, that these Territories must remain Territories until both branches of Congress have a majority of the same political party, and the political complexion of the Territories accords with that political majority in the two Houses?

Now, when will that occur? Will it be after the lapse of another fifty years, while these people shall have remained in Territorial bondage, or will it be never, and will they always remain as they are? I enter my protest against the claim that political considerations should control in the admission of Territories. [Applause.] It is simply saying that the rights of the citizen shall depend upon what he believes and thinks upon great public questions; and when this great nation undertakes to persecute for opinion's sake, then the knell of its doom will sound, and ought to sound.

Now, what other reason is there, besides the political reason, why these people should be kept from admission to the Union? I have found none; I have heard none. The question has been asked, What benefit would the people of these Territories receive from admission into the Union? How much better off are they going to be? What advantage is there in becoming other than what they are? They have a legislature, they have laws, and courts for their enforcement. What advantage is it going to be to them? The advantage is in the first place practical, and in the next place it is sentimental.

The practical advantage is this: Under the law as it is now any law of a Territorial legislature may be unmade by Congress, and the unreasonable provision of the general Territorial law, I think, is that no time is fixed within which Congress may disapprove of a Territorial enactment. It is not provided that they shall disapprove of it in a definite time or within a reasonable time, but it may be disapproved ten, twenty, or thirty years after it is

passed, so that any rights obtained under a Territorial law are always liable to be overthrown.

It is never settled that the law of the Territorial legislature shall remain. And this is not a mere general statement. The evidence was conclusive that that is the opinion in the financial centers of the world—in New York, in London, in Berlin, and everywhere where securities are examined. Capitalists will not invest in a Territory. They want a State law, and the reason is because of the power which Congress has to unmake the Territorial law.

The other reason, of course, is sentimental. It is the desire for home rule which is implanted in the breast of the American citizen. There is no home rule under Territorial law. The governor, the secretary, the treasurer, the judges are appointed by a President who perhaps never saw the Territory. The men who govern come as strangers. The citizen has no voice. The dearest right which the American possesses, the right to have a voice in selecting his rulers and those who make the laws, is absent from the inhabitant of the Territory.

And, as a Republican, I am glad that the great party to which I belong has taken this view and proclaimed it in the last great convention of the party in 1900, in the platform which was adopted and upon which we stood when we elected our martyred President. The Republicans in convention declared in so many words: "We favor home rule for the Territories." Oh, I am proud of the Republican party for making that declaration. Did the declaration mean that they were in favor of home rule as it exists at present in the Territories?

There would be no sense in the declaration, because nobody attacked the rule as it existed or intended or proposed to change it. It meant what it said. We, as a party, favor home rule in the Territories, but that resolution went further. It named the Territories under consideration, and declared, "We are in favor of the early admission of Oklahoma, Arizona, and New Mexico." I have been a Republican since I came to man's estate, and I am proud that I belong to that party now, because I believe its principles are the best calculated to serve the interests of the people.

On the brightest pages of its history are inscribed its fidelity to promises, its faithful discharge of its pledges to the people. Was that platform under which we fought our last glorious campaign a true and honest platform, or was it a deceitful and a lying platform? Let the answer to that question be given when the roll call is completed upon this bill which we submit to the committee. [Loud applause.]

Mr. McRAE. Mr. Chairman, at the proper time I shall offer as a substitute for the first section of the pending bill the following. I will ask the Clerk to read it.

The Clerk read as follows:

Strike out the first section and insert the following:

"That the inhabitants of all that part of the United States now constituting the Territory of Oklahoma and the Indian Territory, namely, that section of country bounded on the north by the States of Colorado and Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west by the State of Texas and the Territory of New Mexico, may become the State of Oklahoma, as hereinafter provided: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed, and the constitutional convention hereinafter provided for shall by ordinance irrevocably express the consent of the State of Oklahoma that Congress shall retain complete jurisdiction over all lands that belong to any Indian tribes until the same has been allotted in severalty and becomes subject to taxation."

Mr. McRAE. Mr. Speaker, I also have here the following resolutions, which were adopted by the single-statehood convention held in Oklahoma City on the 4th of last February, in which some of the reasons for my amendment are set out:

Single-statehood resolutions of the Oklahoma City Commercial Club.

To the Oklahoma City Commercial Club:

Your committee on State and national legislation beg leave to submit the following resolution:

*Be it resolved*, That we regard the question of statehood as of overwhelming importance to the people of Oklahoma and Indian Territory; not only to those now living, but all unborn generations. Whether statehood shall come this year or the next, or the next, we regard as of infinitesimal importance when compared with the question whether we shall have one or two States. We favor the creation of only one State out of both Territories for the following reasons:

First. When combined as one State its area as compared with the other Western States would be small. The area in square miles of the States and Territories west of the Mississippi are as follows:

Oklahoma, 39,000; Indian Territory, 31,400; the aggregate area, 70,400.	
Minnesota.....	83,365
Arkansas.....	53,850
Missouri.....	69,415
Iowa.....	56,025
North Dakota, about.....	75,000
South Dakota, about.....	75,000
Nebraska.....	77,510
Kansas.....	82,080
Texas.....	265,780
New Mexico.....	122,580
Arizona.....	113,020



Colorado	103,925
Utah	84,970
Idaho	84,800
Montana	146,080
Washington	69,180
Oregon	96,030
California	61,562

It will thus be seen that of the 18 States named 14 have a larger area than that of the 2 Territories combined; Missouri and Washington about the same, and Arkansas and Iowa a few square miles less, so that the 2 Territories combined have an area of 25,171 square miles less than the average of the Western States. Oklahoma alone has an area of 59,571 square miles less than the average; the Indian Territory has an area 64,171 square miles less than the average. If combined, the 2 Territories will only make a fair-sized State. If divided, they will both be pigmies.

Second. To impose upon this small area the burden of supporting two separate and distinct State governments would render taxation oppressive. As one State the cost of maintaining the State government and institutions would be very little more than the cost of maintaining each of the separate State governments.

Third. In our judgment it is the desire of not less than 90 per cent of the taxpayers that we should have single statehood.

Fourth. The geographical situation is such as to make nature herself an eloquent spokesman in favor of single statehood. This entire area was originally embraced within the boundaries of the Indian Territory. Oklahoma has been carved piecemeal out of the Indian Territory. Upon the map she now has the appearance of sitting in the lap of the Indian Territory. The two are wedged together; they have the same railroad systems; they have a homogeneous population. The mere geography of the country argues for single statehood.

Fifth. The resources of the two Territories cry aloud for union. Oklahoma is almost wholly agricultural. The great wealth of the Indian Territory is in her mines and forests. With the product of the farm, the forest, and the mine allied in a common cause of building up one State, immediate success and immense achievements are sure to follow.

Sixth. It has always been the contemplation of Congress that this entire area should be one State. Section 1 of the organic act, being the act of May 2, 1890, after describing by crooked and devious lines the boundaries of Oklahoma, contains the following provisions:

"Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning said lands shall signify to the President of the United States, in legal manner, its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect."

Seventh. We favor single statehood because we believe that with the natural resources of the two Territories combined we can erect a commonwealth which will be a pride to the Union, a source of gratification and of prosperity to ourselves, and a rich heritage to our posterity.

Be it further resolved, That it is our desire that Congress, in legislating upon this subject, should be fair toward the people of the Indian Territory. We think they are entitled to a voice in the location of all public institutions, in the formation and adoption of our organic law, and in the initial steps leading up to the union.

We do most earnestly, presently, and respectfully petition Congress to heed the wishes of the people of the two Territories on this question; to legislate not for the present but for the vast and unlimited future; to ignore party lines.

We do most strenuously protest against being made the toys of politicians or the tool of any political party. We say it is not a question of politics, but a question of business, of taxation, of the future. We are absolutely indifferent to the possible political complexion of the single State, but regardless of political considerations, we wish that legislation which will best subserve the cause of the people of these two Territories.

Be it further resolved, That the secretary of this club have 500 copies of these resolutions printed, and that from that number he shall furnish a copy to each member of the Senate and of the House of Representatives.

Respectfully submitted.

C. B. AMES, Chairman,  
R. E. CAMPBELL,  
FRANK WELLS,

Committee on State and National Legislation.

Mr. McRAE. Mr. Speaker, in proposing this amendment, which provides for single statehood for Oklahoma and the Indian Territories, I do not wish to be understood as insisting that from the standpoint of population that Oklahoma alone could not meet the test heretofore applied to the new States, but I object to leaving the Indian Territory, with nearly as many people and just as great possibilities, unorganized and unprovided for.

The plea for statehood for Oklahoma, Arizona, and New Mexico is an argument against a Territorial government for the Indian Territory. This bill as reported concedes that one State may eventually be formed out of these Territories. By reason of their size, shape, history, and location they should be together, but on equal and fair terms to the Indian Territory. Is it fair to permit Oklahoma to organize a State government, locate the capital and all the State institutions, elect Senators, and then annex the Indian Territory to her? That is one idea put forward in this bill. The other is that there will be ultimately two States. These propositions are inconsistent. I insist that we should determine which we will adopt before we surrender jurisdiction over Oklahoma. I am opposed to putting the Indian Territory with Oklahoma unless it is done when the State is organized, and I am uncompromisingly opposed to the proposition to attach this afterwards, as is provided in section three.

The Committee on the Territories has not provided for the Indian Territory upon the erroneous idea that the people there are not capable of self-government and not ready for statehood. Without disparaging the patriotism, intelligence, thrift, pluck, and industry of the good people of Oklahoma, for whom I have nothing but praise and good will, and that I have always endeavored to help, I assert that the people of Indian Territory are just as patriotic, just as intelligent, and just as enterprising as they are.

Both have substantially the same character of people. The Indian Territory has but few more Indians than Oklahoma and only 6,371 less of population. It has nearly 500 more miles of railroad than Oklahoma and 40 more incorporated towns.

Then why should she remain a political orphan, unrepresented and disfranchised while statehood is accorded the other Territories? I want to say that I have no feeling of unkindness against the Indians, and no prejudice in favor of the white people who reside in the Indian country. I have spent all my life in the Congressional district adjoining the Choctaw Nation, and I know something of its history, character, progress, growth, and of the needs of the present population. For them I demand the same treatment as the other Territories.

I do not hesitate to say that they have both among the whites and Indians as high types of manhood and as good an average of virtue and intelligence as can be found in any sparsely settled Western community where the advantages of schools have not been better. There are, of course, bad men among them, but all of the bad characters do not reside there. The lack of local government and for a long time perfect security from arrest made the country a favorite resort for criminals and rascals who fled from justice in the States, and the great wonder is that there are so few of such characters there now.

While I have assailed with all my power and now condemn as a disgrace to our Federal system the form of government under which the white Indian squaw men for so long a time utilized the common property of the tribes for their personal profit, the methods by which the Indian officeholders and police perpetuated themselves in office by frightening the uneducated members of the tribes, I do not intend to assail them personally or as a race. They have taken advantage of the conditions that existed to get power and make money. Those conditions were the result of the Indian form of tribal government, and no complete relief can ever come until that gives way to an American State and the lands are distributed among the members of the tribes. I am glad to say that something is being done toward making allotments, but it can be proceeded with as well if not better with statehood than without it.

I contend for a government for that country which will rest upon American manhood suffrage, not on tribal affiliation. Congress can not change the disposition of those who rule the Indians, but it can substitute for their tribal governments an American State and thereby better secure to each member of the tribes his share of the property which by law and of right belongs to him or her, inalienable, if necessary, for a period of years. We should, in addition to this, give the male inhabitants the ballot to protect this property and as soon as possible fix its permanent status and not leave their future uncertain, as this bill leaves it.

I admit the Indian tribes own their lands in common, and I want them to get the full value of it. I would not knowingly be a party to any legislation that would destroy or lessen the value of their common inheritance or diminish the personal interest of the individual members of the tribes in it. I believe that statehood will advance the value of their property, and I insist that they have no right to continue within the jurisdiction of the United States their tribal governments, which are destructive of the homestead idea, contrary to the genius and spirit of our institutions, violative of the fundamental principle of equality upon which our Constitution rests, a standing disgrace to the Government we represent, and of no value to them.

The settlement of the Indians in this country was for the purpose of separating them from the whites. Then the Indian country was remote from white settlement. Now it is surrounded by States containing an active, aggressive, enterprising population, whose future, to a great extent, depends upon a different form of government for the Indian country. Then there were no full-blood whites in the Territory; now there are but few full-blood Indians.

Then the residents were members of the tribes; now there are five white citizens for every Indian. Then the Indians had but few houses and lived principally by the chase; now many of them have magnificent residences and cultivate their lands or have it done by their tenants. Then they had no schools except those furnished by the Government; now they have a good system of public Indian schools, with high schools and colleges, for the children of their tribes, for which they spend annually nearly \$500,000.

Then there were no churches except missions; now they have in every town and community comfortable churches, representing the different Christian denominations. Then they had no charitable institutions; now they have homes for the old and decrepit, asylums for the insane, and institutions for the maintenance and education of orphans. Then there were no newspapers; now there are over 50. Then there were no towns; now there are 90 incorporated towns, containing from 200 to 6,000 population, with improvements worth over \$10,000,000. Then

the coal and other mines had not been discovered; now they are admitted to be the richest in the West and are practically inexhaustible.

Then there was not a mile of railroad; now there are 1,323 miles in operation and many more in contemplation. Then but few whites had intermarried with the Indians; now there is scarcely a family to be found among them without a preponderance of white blood. Then the country was used and ruled by the Indians to whom it was patented; now a large part of all the farms, mines, and towns are operated by whites and mixed breeds who have become members of the tribes by marriage and the manipulations of Indian councils.

I think the courageous, patriotic, just, and manly thing to do is to give the citizens of the Indian Territory an equal show with Oklahoma in forming the constitution under which they must live, and now is the accepted time to do this. They had in 1900 391,960 citizens as good as those in Oklahoma, with a Territory only a little smaller in size than that of Oklahoma. It would then be but simple justice to let them start in their statehood life together on equal terms. That would be just to the Indian, who could safely count on his white neighbor to protect him against Oklahoma domination, which could not be prevented if the bill passes as reported and the Indian Territory should later be added. If she can not be attached now, then the Indian Territory should have separate statehood, and I am surprised that the committee has not provided for one or the other in this bill.

Oklahoma is beyond the Indian Territory, and is not as fertile, and is not as susceptible of containing as dense a population as the Indian country. Indeed its population is not as dense now. Oklahoma has only ten persons to the square mile, while the Indian Territory has twelve.

The Federal officers and those who control the Indian governments are, of course, opposed to single statehood, and they have probably told the committee that it is not desired; but I know the people want it. There is but little question that the great body of Indians want their lands in severalty, and if we could get at them in the quiet of their humble homes and wigwams they would tell us that they prefer American citizenship and statehood to tribal or even Territorial government.

In thus briefly presenting the views I entertain touching the conditions in the Indian Territory I have endeavored to be fair, and I ask the House to consider them and the necessity for immediate action in the same spirit. I think it is the duty of Congress to see that the flag of the United States, and it alone, shall float over every part of our common country; that the Indian tribal governments shall be promptly and completely abolished; that these absurd, undemocratic, unrepresentative, un-American, antiquated ideas of a common inheritance be forever uprooted.

Before the world's fair to celebrate the Jefferson purchase is held, let us wipe out all the Territorial governments within the limits of that great purchase by providing for the Indian Territory with the others named in this bill. Let us now settle for a while, if not forever, the number of States that shall constitute the American Union.

An objection is sometimes urged by some of our Western friends to single statehood, because they want two States for political reasons. They would rather have two small States with four Senators to offset the influence of some of the small Eastern States in the United States than one great State, such as both these Territories would make with only two Senators.

But Mr. Chairman, that is not good statesmanship. It is not best for the people who live there. It is not best for those who are to come after them. I appeal to Congress to lay aside all partisan feeling and all thought of political advantage and legislate for the best interest of all the people of the Union, by making one great, big, independent State, rich enough in resources and large enough in territory to maintain a State government without burdening her people with exorbitant taxes, and one that will be able to educate her children.

The politics of the West is too uncertain to control in forming these States. They will likely support the party that offers the largest freedom for her people and greatest hope of progress. No one can tell what political party will control them, whether organized as one or two States; but without regard to whether it is to be Democratic or Republican, let us admit them as one great State and leave her to fix her party allegiance afterwards. [Loud applause.]

Mr. RODEY. Mr. Chairman, it becomes my pleasant duty at this time to present to this House on behalf of New Mexico her claims to admission into the Union of the United States and to go briefly over her history in this regard.

This effort of New Mexico to come in as a State of this Union is, following the number of Congresses, the twenty-first time that it has made such an effort. And the bill now before the House is the forty-sixth bill that appears in the CONGRESSIONAL RECORD in which New Mexico has made an effort to enter the Union. A

similar case does not exist with reference to any Territory of this country. A similar example of national neglect has not occurred in all the history of this nation.

In 1846 General Kearny, who had distinguished himself with the United States Army during the Mexican war, went out West, through Kansas and down into New Mexico, and on the 18th of August in that year, without shedding a drop of blood, he raised "the banner of the free" over grand old Santa Fe, and the people came into this Union expecting that the promises then made by General Kearny would be kept. At that time he made a promise to the people of the Territory that the Government of the United States would establish there a government similar to that which existed in other parts of the nation. The people took him at his word, believed what he said, and came voluntarily into this Union. The promise was in this language:

It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States. \* \* \*

Two years later, at the close of the war, when the treaty of Guadalupe Hidalgo was being negotiated between the two nations, the Mexican Government, at the instigation of the people of New Mexico, introduced into that treaty the provision to which the gentleman from Massachusetts [Mr. KNOX] a few moments ago called attention—a provision that those people should be incorporated at the proper time (to be judged of by Congress) into the Union of States. It is as follows:

#### ARTICLE IX OF TREATY OF GUADALUPE HIDALGO.

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

It may well be argued that that is not an absolute promise as to specific time. But any one can see that, as the gentleman from Massachusetts said, it meant a reasonable time; and to show that the people then and there believed that it meant within a year or two, or three or four years at most, it may be stated that California in 1850, while still under a system of military government, after the discovery of gold there, adopted a constitution, elected two United States Senators and a Representative and sent them on here to Congress, and they were received and the State admitted.

New Mexico then believed she had equal rights with California, because the ground upon which New Mexico rests, the area out of which she was carved, was acquired at the same time and by the same treaty from the Republic of Mexico. New Mexico, profiting by California's example—in fact, inaugurating her action at the same time California did—also elected two United States Senators, after adopting a constitution, and elected a Representative, and sent the three over the plains here to Washington.

Pending the passage of her Senators and Representative across the plains, Congress passed the organic act of the Territory creating the Territory of New Mexico as such. Congress kept the Representative as a Delegate, and sent the Senators home. That was the first effort of New Mexico to come into this Union. She believed then she had a treaty right to come in; her people so understood it. The matter then remained in abeyance, and the people went on about their business. History shows, however—and, oh, what irony there sometimes is in fate—that the constitution then adopted by New Mexico—ten years before the war—was considered too far advanced, because it prohibited slavery. Twenty-seven years later New Mexico was kept out of the Union because it was said—and the fact might have been charged, as it could have been, to the neglect of Congress in the meantime—that the people of New Mexico were too ignorant to come in.

In 1865 and up to 1872 in about every Congress New Mexico made an additional effort to get into this Union under the promise in the treaty by which the ground was ceded to the United States. In the meantime, as always occurs, the ceding country, the Republic of Mexico, had lost all interest in the ceded country, and left the people ceded to the honesty of the nation that received them. From 1874 to 1876, when the present Senator ELKINS had the honor to represent the Territory of New Mexico as Delegate, a bill for its admission into this Union, after elaborate debate, passed both Houses of Congress, but failed in conference in the closing days of that session. That, as you all know, was twenty-seven years ago.

So, for fifty-five—yes, fifty-six—years, on the 18th day of August next, New Mexico has been a part of the public domain of the United States, and its people have been denied the rights of full-fledged American citizens. In every Congress since, with very few exceptions, the Territory has been here pleading at your door for what she contends is her right divine, for what she contends is her right by virtue of the principles announced in the immortal Declaration of Independence, and every time she has



been turned back without a better reason being given than the mere refusal of her demands.

The present bill, as I said, is the forty-sixth, and I sincerely hope that not only will it be the last bill for her admission as a State of this Union, but that it will also coincide with the star her admission will add to the flag—that she will be the forty-sixth State by virtue of the act of justice we expect you will do when this bill comes up for a vote. For reasons that it would, in my very limited time, take too long to detail; for reasons that are as groundless as are all prejudices, New Mexico was stricken out of the act that admitted the Dakotas in 1889, Wyoming and the other States in 1890, and was refused admission when the last Territory of all (Utah) was admitted in 1896.

The people of New Mexico at a convention held irrespective of political affiliation at the city of Albuquerque last October expressed themselves with reference to the refusal of Congress through more than half a century to admit them to their rights as citizens of the United States in language that, I am sorry to say, is considered slightly ancient in verbiage, but which the people of New Mexico think is just as potent to-day as ever for recording and conveying to the mind the meaning of the principles of the immortal instrument itself. These reasons are stated, and I will take occasion to read the copy I have here, because it sets forth in somewhat coherent language the position of every Territory that is denied its rights in this Union. It is as follows:

We, the people of the Territory of New Mexico, in mass convention assembled at Albuquerque on this 15th day of October, A. D. 1901, in order to enlarge our liberties, secure a closer connection with the American Union, form a more perfect and lasting government, establish justice, insure domestic tranquillity, provide for our common interests, promote our general welfare, and secure the blessings of liberty to ourselves and our posterity, do hereby declare:

That since the organization of the Territory of New Mexico, we have cheerfully yielded obedience to all the laws of the United States, and freely and fully recognized the right of Congress to make all needful rules and regulations respecting the Territory; and

That we now disclaim any purpose of disloyal action, but here renew our fealty to the Constitution of the United States, and in justification of these proceedings call to mind the right of the people to peacefully assemble and by petition present their grievances to Congress; and we therefore state:

That when in the course of human events it becomes necessary for the people of a Territory to make an effort peacefully and legally to dissolve the temporary and inadequate political bonds which have connected them with the nation and to assume among the sovereign States of the Union the separate, independent, and equal station to which our treaty and inherent rights, as well as the laws of nature and of nature's God, entitle us, a decent respect for the opinions of the people of all the existing sovereign States requires that we should set forth the causes which impel us to the action; and in that behalf we most respectfully here state that:

We hold these truths to be self-evident: That all men are created entitled to equal rights; that they are endowed by their Creator with certain unalienable attributes; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

Therefore, because of, and for the reasons hereinafter enumerated, we declare that we have been kept entirely too long in a subordinate condition, and that we are now thoroughly fitted to assume and support a higher form of government; and appealing to the Supreme Judge of the world as to the rectitude of our intentions and the justice of our cause, we do now, in the name of and by the authority of the good people of the Territory, solemnly publish and declare that New Mexico of right ought to be a free and independent State of the Union.

And we therefore respectfully demand that the Congress of the United States pass, at the earliest moment possible, an enabling act, whereby our people may form a constitution and State government, and be admitted to the Union on an equal footing with the original States, and for cause of such demand we here state:

That we have an inherent right to such admission by virtue of the principles enunciated in the Declaration of Independence.

That such form of government was guaranteed to us within a reasonable time by the solemn declaration of the treaty of Guadalupe Hidalgo, more than fifty-three years ago.

That both of the great political parties of the nation, in addition to having done so many times previously, faithfully promised us, in their last platforms, that New Mexico should be admitted as a State of the Union without delay.

That our people are ready and anxious for such admission, both of the local great political parties having made demands to that effect in their last Territorial platforms, and our last legislative assembly having adopted and certified to Congress a strong memorial in that behalf, and which said memorial we now here reaffirm. And further, we ask admission because:

A Territorial form of government is intolerable to a free people; it is an incongruity under American institutions, and should be maintained only so long as is absolutely necessary to prepare its people for the higher form, and because—

It is taxation without representation, for while Congress professes to give us representation in the House of Representatives, we are denied a vote therein, and that is the only real element of representation, and as to the Senate, we are remitted to the beggarly methods of the lobbyist.

It is a denial of the right of the people to take part in the affairs of their country, in the formation of its policies, or the election of its representatives or its Chief Magistrate.

A Territory is no part of the United States in the national sense. It has been held that the Constitution of the United States does not, of its own force, extend over it, and it follows that we receive the protection of the great charter only by grace of an act of Congress; that it can be taken away as freely as it was extended over us, and that therefore our status is such that it is probable that our children are ineligible to the Presidency of the land they love, because of not being "natural-born" citizens of the United States; that, in fine our status is such that we could be ceded away

by Congress in settlement of a war or for a mere money price at the whim of Congress to some foreign nation.

Congress, by the organization of the Territory, invited settlement and occupancy of the frontier, and by implication guaranteed to its people protection to life and property and enfranchisement as soon as they were fitted for a higher form of government, yet history shows that every effort of our people to obtain their rights has met but with disappointment. Nor is this all, but in addition we are harassed and burdened to an intolerable degree, and we here show to the fair-minded people of the sovereign States what Congress has put upon us:

It has given us a system of courts not only inherently wrong, but wholly inadequate, and while refusing to do so itself prevents us from changing their jurisdiction to meet our needs.

It has arbitrarily fixed the time when our legislature shall meet and adjourn, and denied us authority to call an extra session thereof, no matter how great the need therefor may be.

It has reserved the right to invalidate any law which our legislature may pass, thereby destroying the full faith and credit which our laws ought to command, thus rendering it impossible to command capital for the development of our resources.

It has ever turned a deaf ear to all our prayers for relief, from the many burdens and inequalities under which we suffer, and yet has bound us hand and foot by preventing us from aiding public improvements that would tend to the development of our industries and the progress of our country, and has stifled our progress by preventing us from offering our mining properties for sale in foreign markets, thus and in many other ways putting upon us an embargo not borne by citizens of the States, and while imposing upon us with the iron hand of supreme authority all the obligations and burdens of citizenship has withheld the corresponding blessings and benefits.

In addition to giving away princely portions of the public domain that should be our patrimony, it has exempted scores of thousands of dollars worth of property from taxation, thus forcing upon us a gross inequality of citizenship.

It has withheld from us our proper dowry of public land for the support of our schools, and as to that which it has given us has placed so many restrictions around it as that it is rendered of much less benefit than it otherwise would be.

It refused for nearly half a century to settle our land titles, thus retarding our progress, and now refuses to appropriate sufficient money to prosecute public surveys, and segregate land grants from the public domain, thus rendering it possible for millions upon millions of acres of land to escape taxation and render the burden of the actual taxpayer much greater.

It refused for a third of a century to give our people proper protection against hostile Indians, during which time hundreds upon hundreds of our people were murdered and their property stolen and destroyed by such depredators, and now refuses to properly adjust or appropriate money to pay for the mere property thus lost.

It has ever refused to make any appropriation of money for the education of our people, although it took them by conquest in the first instance, and they spoke a foreign language and needed such aid, but instead turned all the money arising from the revenue laws which were strictly enforced against them, and all the money arising from sales of public land in the Territory into the national treasury, so that the Territory while suffering under almost insufferable burdens and neglect actually became a source of revenue to the nation, and when we tried to remedy this by repeated demands for adequate laws and admission to the Union, were met with a denial and chided with our ignorance.

It has made no appropriations for the establishment of any proper postal facilities among us or the erection of any public buildings, but obliges us to resort to taxation of ourselves for the latter and to do without the former save after all States are supplied.

It has recently threatened and is still threatening us with ruinous national legislation as to the waters in our streams and in our catchment areas, which legislation is for the benefit of and very favorable to the citizens of the Republic of Mexico, while it will forever paralyze our Territory and all its industries, and this even though we are by more than a century the prior appropriators of such waters, and even though the nation to be favored has no right or claim whatever, either in law, equity, or by treaty, in or to any of such waters.

It gives us no voice in the selection of a large part of the officials that govern us, most of them being sent in from the States in violation of the national platforms, and many of them being wholly incapable for the positions they hold, and who but harass the people by their supercilious offensiveness, while on the contrary no citizen of a Territory is ever appointed to any office in the nation outside the limits of the Territory, save as soldiers in time of war.

And all these things were done, conditions permitted to exist, and burdens put upon us in spite of our unceasing and earnest protest against the same, until now more than fifty-five years have passed since the flag of our nation was raised at Santa Fe, and in spite of the same, and of others too numerous to mention, we have arrived at our present advanced condition and always remained loyal to the flag.

We therefore demand admission to the Union, because we have shown our right to it:

By remaining patient and true to the nation for fifty-three years while suffering all the disadvantages above set out and because:

We sent more soldiers to the defense of the nation in the civil and Spanish-American wars than any other State or Territory per capita.

We demand admission because the Territory is now better than ever in its history fitted to assume such higher form of government; in that

It holds the first place in the nation as a sheep-producing and wool-growing section, and is well up toward first place in the number of cattle it raises.

Because the mineral, timber, and agricultural interests of the Territory are vast in extent, and are being developed in a phenomenal manner. Railroads are being built, plants erected, and industries of different kinds are being established everywhere within our domain, the area of the Territory being larger than all of the New England States and the State of New York combined.

We ask admission because we now have a population of upward of 330,000 people, the census to the contrary notwithstanding, as shown by our having registered about 60,000 voters at the last general election, and because since the census was taken about 40,000 immigrants have come among us and settled, and

Because we possess about \$300,000,000 worth of property that will be subject to taxation for the support of a State government, and the amount we require being small, we will be the lowest-taxed sovereign State in the nation.

Because we have made more educational progress in the last dozen years than any other part of the nation without exception, and have now more money per capita invested in public buildings and in public and other educational institutions than any other part of the country whatsoever, and because we spend, and there is spent among us, more money per capita for education than in any State or other Territory in the nation.

Our public buildings being a fine capitol building, a university, a science hall, a normal university, several fine normal schools, a school of mines, an

agricultural college and experiment station, a deaf and dumb asylum, an asylum for the insane, a penitentiary, several fine hospitals, and many other minor institutions; and because:

We have within our boundaries 15 cities and towns that are modern, up-to-date places in every respect, and far in advance of places of three and four times the population in the Eastern States, and this without disparaging in any manner the dozens of other towns and villages within our borders, and all of which cities, and most of which towns and villages have the finest kind of buildings in which to maintain and do maintain therein as fine a system of free public schools as can be found anywhere in the nation; and further we make this demand because:

The Territory supports, per capita, more daily newspapers and more newspapers that take the press dispatches and more newspapers and other publications generally than any State or other Territory without exception; and because:

The Territory in proportion to population supports and has within its borders more banks, national and Territorial, showing a larger ratio of deposits to capital stock, than any State or other Territory; and

Because the people of the Territory are a conservative, patriotic, and law-abiding people, more than 90 per cent of them being born American citizens, attached to the principles of the Constitution of the United States, although they have been disfranchised for more than half a century; and because:

The position of a Territory since the recent "insular decisions" of the Supreme Court of the United States is more than ever pitiable and intolerable, and because—

In more than twelve Congresses of the United States the fitness of our people for a State government has been fully investigated and bills passed in one House or both for our admission, all of which failed to become laws through one mishap or another, until now more than half a century has passed, and we have advanced to our present splendid condition materially all through our own unaided efforts, and in spite of the neglect of Congress and the nation and the burdens that have been put upon us.

Wherefore, having endured all these things through all these years, supported the flag and the Constitution in two wars, we most respectfully appeal to the sense of justice and righteousness of the Congress, and pray that it will not permit a government of our people, for our people, and by our people to perish from our hopes, but that, under God, it will grant us a new lease of freedom by granting us statehood.

Mr. Chairman, that is an appeal from the people of New Mexico, made on October 15, 1901, in which, in brief, is recited the reasons for their demands and the present condition of the Territory. Should New Mexico be admitted at this time; and if not, why not? What is the objection that is advanced on this side of the House to its admission? I have not yet had the advantage of hearing what the objections can be. If it is a political one, I contend that New Mexico has the political qualifications, but I also contend that the man who places the rights of American citizens on a partisan basis is unworthy himself to enjoy the blessings of American citizenship. [Applause.]

Has any precedent been set for the admission of New Mexico at this time with its present population? Let me call your attention to the fact that during the federation that existed for a short time previous to the adoption of our present Constitution—that is, previous to 1779—the Continental Congress, when legislating with reference to the territory northwest of the Ohio River, passed an ordinance providing that whenever any part of said territory had a population of 60,000 people it should, as of course, be entitled to be admitted into the Union. There is also preserved in the State Department, in the handwriting of Thomas Jefferson, a copy of an ordinance for the government of the western territory, dated 1784, which reads as follows:

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one of the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States.

In a speech delivered by Hon. S. S. Cox, of New York, in this House on January 15, 1889, referring to the subject of the admission of States in President Buchanan's time, he said:

In the admission of States in those early days of Buchanan's Administration, out of all that Red Sea of trouble, we got some little good, because at the end of this struggle we agreed to a certain rule and that rule was that a population equal to the ratio represented by a member of Congress should always be sufficient for the admission of a State, and that was entered of record and a joint resolution passed to give effect to it.

Now, with reference to the States that have been admitted, it may be profitable at this time to refresh the recollection of members of the House briefly—only a line with reference to each—to recall to you the order in which they have been admitted and the amount of population they possessed at the time of admission.

Kentucky was the first State of the Union after the original thirteen to apply for admission, but Vermont, carved out of the State of New York, got in first by the accident of Congress taking up its bill first. So it comes first in the order of admission.

The order and time of the admission of States was as follows: Fourteenth State, Vermont, which was carved out of the State of New York, was admitted to the Union in 1791, with a population of 85,425.

Fifteenth State, Kentucky, although it applied to come in as the fourteenth State, by an accident Vermont's enabling act passed first, and the State, which had been carved out of Virginia, was admitted February 4, 1791, with a population of 73,677.

Sixteenth State, Tennessee, which had existed some time as a Territory, came into the Union in 1796, with a population somewhere between 35,691 and 66,000.

Seventeenth State, Ohio, came into the Union in 1802 and

adopted a constitution before it was admitted. All the detail work of its admission was not finished until February, 1803. Its population was 45,365 in 1800.

Eighteenth State, Louisiana, the first State admitted out of the Louisiana purchase, was admitted April 12, 1812, with a population of 76,556.

Nineteenth State, Indiana, carved out of the Northwest Territory, tried to come in in 1810, but did not succeed until the latter part of 1816. Its population in 1810 was 24,520. The State had no general school law until about 1822. It had a population in 1820 of 147,178.

Twentieth State, Mississippi, which was carved out of Georgia, was admitted December, 1817; in 1810 it had a population of 40,352 and in 1820 75,448.

Twenty-first State, Illinois, was admitted in 1818; its population in 1810 was 12,282 and in 1820 55,211.

Twenty-second State, Alabama, was admitted in 1819; its population in 1820 was 127,901.

Twenty-third State, Maine, which was carved out of Massachusetts, was admitted March 15, 1820, with a population of 298,335.

Twenty-fourth State, Missouri, a part of the Louisiana purchase, was admitted August 10, 1821, with a population of 66,586. This State was admitted after one of the hardest fights over the slave question that had ever taken place in the nation up to that time. The Missouri Compromise, with the line of 36° 30' as the northern limit of slavery, became the burning question in those days.

Twenty-fifth State, Arkansas, was admitted to the Union in 1836, with a population of 52,240. Its population four years later, in 1840, was 97,574. This State argued that because it was a part of the Louisiana purchase no enabling act was necessary to entitle it to come into the Union.

Twenty-sixth State, Michigan, was admitted in 1837. Its population in 1830 was 31,639 and in 1840 212,267. Michigan was organized as a Territory in 1805. It applied for admission in 1832, and though its enabling act passed several times, refused to come into the Union under the boundaries fixed. This trouble lasted for five years.

Twenty-seventh State, Florida, was admitted in 1845. In 1840 its population was 29,000; in 1850 87,445. It made several efforts for admission from 1839 on.

Twenty-eighth State, Texas, was admitted in 1845 by an act of Congress. In 1850 its population was 212,592. It gained its independence from Mexico in 1835-1837. First act of Congress admitting it was rejected. Slavery question cut a big figure.

Twenty-ninth State, Iowa, carved out of Louisiana purchase, was admitted in 1846. Its population in 1850 was 192,214. This jurisdiction was a part of Michigan in 1834; a part of Wisconsin in 1836; was organized as a Territory in 1838. Its boundaries were fixed in 1845.

Thirtieth State, Wisconsin, was admitted in 1848 with a population of 305,391, or, at least, it had that population in 1850, although it had but 30,945 in 1840.

Thirty-first State, California, was admitted as a free State in 1850, with a population of 92,597, and without ever having passed through a Territorial form of government.

Thirty-second State, Minnesota, was admitted in 1858. It had a population in 1850 of 6,077, and in 1860, two years after its admission, 172,023.

Thirty-third State, Oregon, was admitted in 1859; its population a year later was 52,465. In the admission of this State one of the hardest fights was made by Hon. G. A. GROW, who is still spared as an honored member of this House.

Thirty-fourth State, Kansas, was admitted in 1860, after one of the greatest fights in history. It was first admitted by Congress in 1858, with slavery conditions that it would not accept. Its population was 107,206.

Thirty-fifth State, West Virginia, was admitted June 19, 1863, by a proclamation of the President. Its population in 1870 was 442,014.

Thirty-sixth State, Nevada, was admitted October 13, 1864, by a proclamation of the President. It was created a Territory in 1862. Its population in 1860 was 6,857, and in 1870, 42,491.

Thirty-seventh State, Nebraska, was admitted in March, 1867; its population in 1860 was 28,841; in 1870, 122,993. This State had a fight from 1864 on in every Congress, and its enabling act passed twice in 1867 over the President's veto.

Thirty-eighth State, Colorado, was admitted in 1876; its population in 1870 was 39,864; in 1875, 175,000; in 1880, 194,397. This State was organized as a Territory in 1861. It failed of admission in 1863; refused it in 1864; accepted it in 1865, but its bill was vetoed. Its bill was vetoed again in 1868, but it won out in 1875, and came in in 1876 under the terms of the act.

Thirty-ninth State, North Dakota, was admitted in 1889, with a population of 182,719.



Fortieth State, South Dakota, was admitted in 1889, with population of 328,808.

Forty-first State, Montana, was admitted in 1889, with population of 132,159.

Forty-second State, Washington, was admitted in 1889, with population of 349,390.

New Mexico was dropped out of this bill. It was an omnibus bill in 1889. This was the biggest area ever admitted.

Forty-third State, Idaho, admitted in 1890; population 82,385. This State was admitted after it had adopted its constitution.

Forty-fourth State, Wyoming, was admitted in 1890, with population of 60,705, after it had adopted a constitution.

Forty-fifth State, Utah, was finally admitted in 1896 after many previous efforts; its population was 207,905.

Mr. Chairman, that presents to the House the precedents for the admission of Territories of this Union. And apart from the inherent right of the American people to enjoy equal rights in all parts of this nation when they are fitted to do so, apart from the inherent right that they possess by virtue of the principles of the Declaration of Independence, we submit that to keep these three Territories of New Mexico, Oklahoma, and Arizona out longer would be but adding an outrage to the many things they have been forced to endure. What can be the arguments that reasonable-minded men will advance against admission? What can their constituents say to them for doing so? If they vote for this bill can they be charged with having done wrong? Is not this a unanimous report from a committee that was adverse when it started in to consider the question?

Have we not the right to enjoy the privileges of American citizens? It may not be well for the mere Territories to criticize the action of this Government, but, as children do in the family, we feel that we have a right to complain; that we have no superiors in the family of this nation. We do say that when you turn over the revenues of the Filipinos and the Porto Ricans to themselves and demand that the revenues raised in the Territories of Oklahoma, New Mexico, and Arizona be turned into the National Treasury that you deprive these people of moneys that should be used for their own education and betterment; and when thereafter you charge them with ignorance we say, indeed, that it is an unfair proposition.

It begins to look as if the people of the older Territories had no privileges save to do the work, fight the battles, and pay the freight of this great nation.

The three Territories mentioned in this bill sent two-thirds of the President's regiment to free the Cubans, and, led by him, they did as much fighting as any soldiers there on that occasion. On the 20th instant, in pursuance of the promise of this great and philanthropic nation, Cuba is to raise her own free flag over her own children, while New Mexico, Arizona, and Oklahoma are still to remain Territories.

Now, is it reasonable that these people should be kept in this condition of tutelage? What have they ever done to deserve it? Who will it be, if they are admitted, that can rightfully challenge your action in admitting them to the Union? If you can show me a spot on the flag, show when the country has ever been injured, show me where we have taken one step backward by reason of admitting any State, I care not how small, to this Union—whatever will show me that will show me a piece of history that I have not yet learned of in all my reading.

In 1890 the census of this great country was 62,000,000 and something. In 1900 it was 76,000,000, or thereabouts, an increase of 14,000,000 of people. With that increase of population to start from, with 76,000,000 of people with an Anglo-Saxon civilization, in 1910 we will have 94,000,000 people in the nation, or an increase of 18,000,000. Now, if we are going to have an increase of 18,000,000 of people in the ten years from 1900 to 1910 in this nation, where are those people going to?

Let us sensibly admit that every State of the Union will grow; that every city in the Union will grow; that every place in the Union will grow, and yet will it not be conceded that a large percentage of the population of the cities in the extreme Eastern States, in consequence of their large numbers and overpopulation, will go West, in which the trend of the Empire still is, or where will they go? Will they not go in the direction of the line of least resistance, as they always do? Will they not go to the place where there is the most unappropriated public domain, as is the case now in these two Territories of New Mexico and Arizona that you say have too sparse a population for admission? It will be to New Mexico and Arizona they will go, because those two Territories not only have vast amounts of the most productive land in the world, but also have immense stretches of public domain, not the kind of land that is found in Oklahoma and eastern Kansas, but still susceptible of cultivation and on which people can live and thrive.

If we get between the years 1900 and 1910 one-half million people in New Mexico from that trend of western travel, we will

then, as we contend, have a million of people in that great area. So where will the mistake be found of admitting us into the Union? New Mexico has an area of 122,510 square miles, or nearly 80,000,000 of acres. Between twenty-five and thirty millions out of these 80,000,000 acres are taken up in land grants, railroad land grants, Spanish land grants, reservations, etc., leaving about 55,000,000 acres of unappropriated public domain, the largest, I believe, in any section of the nation subject to entry and homestead, that can be taken up by citizens.

Now, I wish to submit, is it not reasonable to suppose that we will go on and progress? Further, let me here state, let no man take the census for any purpose of statistics with reference to New Mexico. I know whereof I speak. The last census, for any statistical purposes as to New Mexico, is absolutely worthless, and it is so admitted to be by the Director. You will ask, Why is that so? It is so for this reason: Three cents a piece was paid for the enumeration of the people. That sort of a law was a good thing for the enumerators in the cities, where you could take five or six wards and enumerate the people and make five or six dollars a day. But the man who would have to travel the country down in New Mexico and enumerate the people there would have to pay from seven to ten dollars a day for a team to get around and do that work, and he only got \$5 a day and no per capita allowance at all. What was the consequence? It was never done.

In spite of the fact that the census of 1900 only gives us 195,310 people, we registered within a few hundred of 60,000 voters at last election, and with an area as large as the State of New York, the New England States, and New Jersey combined, I say it is an utter physical impossibility to register more than three-fourths of the voters we really have. Our governor shows in this report that our population at the time the census was taken was about 300,000 people, excluding Indians, and I know it has increased from 30,000 to 60,000 people since, owing to the building of new railroads and the starting of vast industrial enterprises.

Why, in the great Territory of New Mexico, Mr. Chairman, we have perhaps 15,000 people all the time out on the ranges, away from the post-offices and away from communication, herding our vast flocks of sheep. We have ten or twelve thousand people out looking after our cattle. We have perhaps twelve to fifteen thousand prospectors out in the hills nearly all the time, searching for minerals, away out, miles from anywhere. All these people and thousands of others are not enumerated; you can not enumerate them; the enumerators could not find them. The census enumerator does not go after them. What is the consequence? They do not get into the enumeration, and so New Mexico is without her proper quota of inhabitants in the present census record, and everybody takes it as true who does not understand the facts. Our school children alone, as shown by this year's enrollment, just received by me, number nearly 70,000.

I assume, Mr. Chairman, that many gentlemen who are to be heard from will say everything that can be said with reference to the admission of these States. Let me say for Oklahoma—God bless the fair land—she is a splendid community and as well fitted for statehood as any State in this Union, with half a million people and almost every quarter section of her land occupied; and we of New Mexico, with over 330,000 patriotic, worthy, and intelligent American citizens, are we not also entitled to our rights after all these years? It has been said with reference to us that we are Spanish, and they use the term "greasers" as to some of our people. I utterly and absolutely repudiate that slurring term with reference to the good, great, patient, worthy, and patriotic people of New Mexico.

We have no such people there. Every man less than 56 years of age is a born citizen of these United States, although he is without a State, and entitled to all the rights of an American citizen. Let me cite an example: Any jack-legged foreigner, coming here from any foreign country, in five years is entitled to enjoy all the rights of citizenship in any State of the Union, and yet on mere petty political grounds you try to keep a million of American citizens in these Territories from the enjoyment of their rights.

I hope no gentleman on this floor is so small and so narrow in his ideas of the rights of American citizens as to put them upon a partisan basis and deny one jot or tittle of what a person is entitled to by reason of the fact that he may belong to this political party or to that one. I say to my fellow-Republicans on this side of the House that had you done justice, had you placed the Delegates in this Congress in the position that they ought to be placed in before their constituents, you would, as to Oklahoma and New Mexico, have made this a party caucus measure, and carried it through as it ought to have been carried through in both Houses of Congress by a unanimous vote.

If the Republicanism that has lasted a half a century in New Mexico does not satisfy your partisan desires, what will? If the Republicanism in Oklahoma, save as to one term during the last

twelve years of its existence, does not satisfy you, what will? You leave it to the other side of the House, God bless them, to rise above partisanship in a matter like this, with the politics two to one against them. [Laughter on the Republican side.] They say to a man, We will vote for statehood for all these Territories. Every man on the floor will repudiate his political platform for the last generation, be he Republican or Democrat, if he votes in opposition to this bill.

How are you going to get away from that? It is in your platforms. But apart from all that, we have begged long and fervently for a recognition of our just rights. We have done everything that people can do to satisfy the Congress of our fitness. We have endured this tutelage, oh, so long. We now demand it as a unit, without reference to the political views, and ask that every gentleman on this floor vote for the bill and make it unanimous.

I could keep on for hours citing from speech after speech that has appeared in the RECORD, article after article that has appeared in our own press, I could recite speech after speech delivered on the stump all through New Mexico in the campaign, advocating this measure. There are 330,000 people in New Mexico, notwithstanding the census; there are 175,000 people in Arizona, notwithstanding the census; there are half a million in Oklahoma, the census to the contrary notwithstanding, who are watching the action of this Congress to see whether or not the rights of the people will be granted.

I am as good a Republican as anybody, and I believe in keeping the pledges of the Government. You wasted one-half of the time of the present session of this Congress in the consideration of how you will benefit the Cuban people. Our people are left for half a century without any attention being paid to them. Are American rights not as great as those of Cuba? We make no objection to what you are doing for Cuba. It would not be effective if we did. We are willing to help you carry out your pledges to them, if you made any, but do not forget your pledges to us also. We helped you to free them. We shed our blood for their freedom as well as you.

That is the sort of people that we have in the great Territory of New Mexico; and we ask that this Congress, in considering this proposition, consider it in that broad patriotic spirit that ought to animate any gentleman when considering any question of this importance. We appeal to you as the guardians of our welfare. We appeal to you as the only channel through which our rights can come. We appeal to you as men who are endowed with sufficient charity, if you will, to grant that for which we have so long prayed; and we sincerely hope that the vote on this bill will be unanimous. It is a just measure, and no man was ever chided or could be justly chided for doing that which is eternally right.

And after all it is the people that constitute a State. Let me quote a few lines on that subject:

What constitutes a State?  
Not high-raised battlements or labored mound,  
Thick wall or moated gate,  
Not cities proud, with spires and turrets crowned,  
Not bays and broad-armed ports,  
Where laughing at the storm rich navies ride;  
Not starred and spangled courts,  
Where low-browed baseness wafts perfume to pride.  
No! Men, high-minded men,  
With powers as far above dull brutes endued,  
In forest, brake, or glen,  
As beasts excel cold rocks and brambles rude;  
Men who their duties know,  
But know their rights, and knowing dare maintain,

These constitute a State.

[Prolonged applause.]

Mr. KNOX. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4446. An act for the relief of Harry C. Mix; and

H. J. Res. 177. Joint resolution providing for the printing of the American Ephemeris and Nautical Almanac.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4868. An act granting an increase of pension to James H. Walker; and

S. 5105. An act fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1934. An act to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan; and

H. R. 18246. An act to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eu-  
faula, Ala., or in the city of Columbus, Ga.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5406. An act to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.—to the Committee on Interstate and Foreign Commerce.

S. R. 92. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse—to the Committee on Printing.

S. R. 91. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle—to the Committee on Printing.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. PATTERSON of Pennsylvania, indefinitely, on account of important business.

To Mr. SMITH of Illinois, for two days, on account of important business.

To Mr. SUTHERLAND, for eight days, on account of important business.

To Mr. BURTON, for three days, on account of important business.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the amendments of the Senate to the sundry civil appropriation bill and request a conference with the Senate.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY], on behalf of the Committee on Appropriations, requests that the House disagree to all the amendments of the Senate to the sundry civil appropriation bill and ask for a conference. Is there objection? The Chair hears none. The Chair appoints as conferees on the part of the House the gentleman from Illinois [Mr. CANNON], the gentleman from Indiana [Mr. HEMENWAY], and the gentleman from Arkansas [Mr. McRAE].

And then, on motion of Mr. KNOX (at 5 o'clock and 7 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a favorable recommendation, a draft of a bill for the relief of Capt. S. B. Bootes, United States Army—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a response to the inquiry of the House as to orders and instructions issued to military officers in the Philippines—to the Committee on Military Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14106) authorizing the Secretary of War to sell stone from quarries on Fort Sill Reservation, reported the same with amendments, accompanied by a report (No. 1930); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRUMPACKER, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 5823, reported as a substitute therefor a bill of the House (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public



lands and buildings to the government of Porto Rico, accompanied by a report (No. 1931); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Select Committee on the Census, to which was referred the joint resolution of the House (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of death registration, reported the same with amendments, accompanied by a report (No. 1932); which said joint resolution and report were referred to the House Calendar.

Mr. STEWART of New Jersey, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1295) to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway and street-railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., reported the same with amendments, accompanied by a report (No. 1934); which said bill and report were referred to the House Calendar.

Mr. BOWIE, from the Committee on Elections No. 1, to which was referred the contested-election case of William M. Horton v. James J. Butler, Twelfth Congressional district, State of Missouri, submitted the views of the minority of said committee, to accompany H. Res. 202 (Report No. 1423, part 2); which said views were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10172) granting a pension to Thomas Finnegan, reported the same with amendments, accompanied by a report (No. 1921); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13398) granting an increase of pension to George G. Sabin, reported the same with amendments, accompanied by a report (No. 1922); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck, reported the same with amendments, accompanied by a report (No. 1923); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4293) granting an increase of pension to Elizabeth C. Vincent, reported the same without amendment, accompanied by a report (No. 1924); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 288) granting an increase of pension to De Witt C. Bennett, reported the same without amendment, accompanied by a report (No. 1925); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2755) granting a pension to Ruth H. Ferguson, reported the same without amendment, accompanied by a report (No. 1926); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4865) granting an increase of pension to Joseph D. Hazzard, reported the same without amendment, accompanied by a report (No. 1927); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2951) granting an increase of pension to Maria J. Wilson, reported the same with amendment, accompanied by a report (No. 1928); which said bill and report were referred to the Private Calendar.

By Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11858) for the relief of William E. Anderson, reported the same with amendment, accompanied by a report (No. 1929); which said bill and report were referred to the Private Calendar.

By Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 2637) for the relief of Charles

R. Hooper, reported the same with amendment, accompanied by a report (No. 1933); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2977) for the relief of Captain Ferdinand Hansen, reported the same with amendments, accompanied by a report (No. 1935); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14078) granting a pension to Ellwood I. Beatty, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CRUMPACKER, from the Committee on Insular Affairs: A bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, as a substitute in lieu of H. R. 5823—to the Union Calendar.

By Mr. RHEA of Virginia: A bill (H. R. 14245) to provide good roads in the forty-five States and four Territories of the United States—to the Committee on Agriculture.

By Mr. HEPBURN: A bill (H. R. 14246) to require the Capital Traction Company to extend its lines, by underground electric system east on Florida avenue from Seventh street west, and for other purposes—to the Committee on the District of Columbia.

By Mr. ELLIOTT: A bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. McLACHLAN: A bill (H. R. 14248) for the relief of men who enlisted in the United States Army, Navy, or Marines prior to July 1, 1861—to the Committee on War Claims.

By Mr. GILLET of Massachusetts (by request): A bill (H. R. 14249) for the retirement of Government employees in the classified civil service without cost to the Government—to the Committee on Reform in the Civil Service.

Also (by request), a bill (H. R. 14250) to prevent superannuation in the classified civil service, and to create a retirement fund for employees—to the Committee on Reform in the Civil Service.

By Mr. JOHNSON: A bill (H. R. 14275) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes—to the Committee on the Judiciary.

By Mr. WACHTER: A resolution (H. Res. 243) providing for two additional clerks for the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. SCHIRM: A resolution (H. Res. 244) requesting the Committee on Printing to ascertain certain information from the Secretary of the Interior and convey the same to the House of Representatives, and for other purposes—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Texas: A bill (H. R. 14251) granting an increase of pension to Hugh J. Reynolds—to the Committee on Pensions.

By Mr. BLAKENEY: A bill (H. R. 14252) granting an increase of pension to William Dar—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 14253) granting a pension to Christopher C. Lobingier—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 14254) granting a pension to Mary L. Purington—to the Committee on Pensions.

Also, a bill (H. R. 14255) granting a pension to John R. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14256) granting a pension to Jessie R. Dewstoe—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 14257) granting an increase of pension to Annie E. Joseph—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 14258) granting a pension to Fletcher Duling—to the Committee on Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 14259) for the relief of Cave Johnson—to the Committee on Military Affairs.

By Mr. GILBERT: A bill (H. R. 14260) granting a pension to R. T. Mattingly—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: A bill (H. R. 14261) granting a pension to Nathan Hawk—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 14262) granting a pension to Harriett Robinson—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 14263) granting an increase of pension to Frederick Journal—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 14264) for the relief of the estate of Elias Wheat, deceased—to the Committee on War Claims.

By Mr. MOODY of Oregon: A bill (H. R. 14265) granting an increase of pension to Helen N. Packard—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 14266) granting an increase of pension to Solon C. Morgan—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 14267) granting a pension to Elizabeth Charlesworth—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 14268) for the relief Nathaniel Skeen—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14269) for the relief of R. D. Andrews—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 14270) granting a pension to James K. Shelton—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 14271) granting an increase of pension to George B. Christy—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 14272) granting a pension to Henry F. Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14273) granting a pension to John H. Whidden—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 14274) granting a pension to Charles Moyer—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 14276) granting an increase of pension to William Spiegelberg—to the Committee on Invalid Pensions.

By Mr. WARNER: A resolution (H. Res. 245) to pay P. L. Coultry for services rendered as folder and acting assistant foreman of the folding room—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of citizens of Philadelphia, Pa., and Boer Legislation Committee of Philadelphia, in relation to the settlement of the differences between Great Britain and the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

Also, resolutions of the Philadelphia Board of Trade, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles P. Turner and other citizens of Philadelphia, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, petition of the General Society, Daughters of the Revolution, assembled in Denver, Colo., urging the passage of House bill 98, establishing a military park at Valley Forge—to the Committee on Military Affairs.

By Mr. BELL: Petition of J. C. Newberry and other citizens of Colorado, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

By Mr. BURLESON: Petition of Machinists' Lodge No. 288, Smithville, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Petition of Emil Franklin and others, of the Twelfth Congressional district of Illinois; also, petition of citizens of Danville, Ill., in favor of House bills 178 and 179, to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. CASSEL: Resolutions of General Heintzelman Post, No. 300, of Manheim; Admiral Reynolds Post, No. 405, of Lancaster; W. S. Birely Post, No. 511, of Quarryville; Lieutenant D. H. Nissley Post, No. 478, of Mount Joy, and J. A. Hogendobler Circle, No. 116, of Columbia, Pa., Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany bill for the relief of Joseph A. and Isaac Maple—to the Committee on Military Affairs.

By Mr. CREAMER: Resolutions of New York Stereotypers' Union, No. 1, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Resolutions of Lodge No. 299, of Marshalltown, Iowa, favoring an educational immigration test—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolutions of Manhattan Association, of New York City, and Stereotypers' Union No. 1, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Logan Republican Club, of Brooklyn, N. Y., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Petition of Federal Labor Union No. 9635, of Vergennes, Vt., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GAINES of Tennessee: Petition of Cave Johnson, to accompany House bill in his behalf relating to claim for travel pay—to the Committee on Military Affairs.

By Mr. GILBERT: Resolution of Miller Post, No. 142, of Nicholasville, Ky., Grand Army of the Republic, Department of Kentucky, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Petition of Hon. John Kenrick and other citizens of Massachusetts urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Papers in support of House bill 14261 granting a pension to Nathan Hawk—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Resolution of Joseph F. Wernhener and various other citizens of Evansville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HULL: Resolutions of the Commercial Exchange, Burlington, Iowa, favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. IRWIN: Paper to accompany House bill 14263 granting a pension to Frederick Journal—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolutions of Mine Workers' Union No. 501, of Chicopee, Kans., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON: Petitions of J. Simpson and 15 other lawyers of Spartanburg, and members of the bar of Anderson, S. C., in favor of House bill No. 14202—to the Committee on the Judiciary.

By Mr. LESSLER: Resolutions of Eleventh Assembly District Republican Club and Stereotypers' Union No. 1, New York City, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Resolutions of the Stereotypers' Union No. 1, of the city of New York, and Woman's Republican Association of the State of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of citizens of Massachusetts in favor of the passage of House bill 10793, relating to the "Jim Crow" law—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Resolution of the Credit Men's Association of Omaha, Nebr., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, petition of various voters of Omaha, Nebr., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Commercial Club of Omaha, Nebr., for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

By Mr. MOODY of Oregon: Petition of Portland Division, No. 4, Brotherhood of Railway Employees, Portland, Oreg., for amendment of the immigration laws—to the Committee on Immigration and Naturalization.

Also, paper in support of House bill 14265, granting a pension to Helen N. Packard—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Papers in support of House bill granting an increase of pension to Solon C. Morgan—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Letter of J. J. Duffy to accompany House bill 13443, granting a pension to Sarah G. Williams—to the Committee on Invalid Pensions.

Also, resolutions of Mine Workers' Unions No. 1596, of Cum-bola; No. 1598, of Middleport, and No. 1583, of Thomaston, Pa.,



for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of Second Congressional district of Iowa, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

Also, petition of Baconian Club, of Iowa City, Iowa, favoring the passage of bill making use of the metric system compulsory throughout the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. RUPPERT: Petitions of Edward M. Young, Adolph Kobitzsch, and other citizens of New York City, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolutions of the Republican Club of the Eleventh assembly district of New York, Woman's Republican Association and Stereotypers' Union No. 1, of New York, and West End Woman's Republican Association, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of Mill Hands' Union No. 132, of Buffalo, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of Tug Firemen and Linemen's Protective Association of the Great Lakes, of Buffalo, N. Y., and Chicago, Ill., favoring House bill 9053, to enforce the law of domicile—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Union No. 683, of Murphysboro, and Federal Labor Union, No. 9718, New Burnside, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Resolutions of Eleventh Assembly District Republican Club, Stereotypers' Union No. 1, Woman's Republican Association, and West End Woman's Republican Association, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Society, Daughters of the Revolution, at Denver, Colo., Adaline W. Sterling, president-general, for the passage of House bill 98, relating to military park at Valley Forge—to the Committee on Military Affairs.

Also, petition of Ben Stern, Morris Greenfield, and other citizens of New York City, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

By Mr. THAYER: Resolutions of Temple Ohabei Shalom, Boston, Mass., in relation to violations of treaty engagement with the United States by the Russian Government—to the Committee on Foreign Affairs.

## SENATE.

THURSDAY, May 8, 1902.

Prayer by Rev. FREDERICK LUKE WISEMAN, of Birmingham, England.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting schedules of papers on the files of various offices of that Department, and in buildings under the control of that Department belonging to the United States, and in rented buildings, which are not needed in the transaction of public business and which have no permanent value or historical interest. The Chair suggests that only the letter of transmittal be printed, and that it, together with the accompanying papers, be referred to the Joint Select Committee on the Destruction of Useless Papers in the Several Executive Departments, and that they be ordered to lie on the table.

### DISTRIBUTION OF DOCUMENTS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4872) to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895, returned from the House of Representatives in compliance with the request of the Senate.

Mr. PLATT of New York. The Senate having passed a similar House bill, I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had

disagreed to the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HEMENWAY, and Mr. McRAE managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 4868) granting an increase of pension to James H. Walker;

A bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes;

A bill (H. R. 4446) for the relief of Harry C. Mix; and

A joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

### PETITIONS AND MEMORIALS.

Mr. DEPEW presented a petition of the Twenty-fifth Assembly District Committee of New York, praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 363, Brotherhood of Locomotive Firemen, of New York City, N. Y., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of Local Union No. 677, United Mine Workers of America, of Knightsville, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of Lodge No. 55, Brotherhood of Railroad Trainmen, of Huntington; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette; of Lodge No. 361, Brotherhood of Railroad Trainmen, of Princeton; of Garrett Division, No. 153, Brotherhood of Locomotive Engineers, of Garrett; of Wayne Division, No. 119, Order of Railway Conductors, of Fort Wayne, and of Hoosier Lodge, No. 261, Brotherhood of Railroad Trainmen, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. HEITFELD presented a petition of the Federated Trades and Labor Council of Boise, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, Idaho, remonstrating against the giving out of contracts to any foreign firms for the construction of certain Government vessels; which was referred to the Committee on Naval Affairs.

He also presented memorials of Retail Clerks' Local Union No. 560, of Pocatello, and of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, in the State of Idaho, remonstrating against the continuance of the order discriminating against Government employees seeking to better their condition; which were referred to the Committee on Civil Service and Retrenchment.

Mr. SIMMONS presented a petition of Local Division No. 2671, Brotherhood of Locomotive Engineers, of Asheville, N. C., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. WELLINGTON presented a petition of Altamont Lodge, No. 448, Brotherhood of Locomotive Firemen, of Cumberland, Md., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of Local Division No. 157, Order of Railway Conductors, of North Easton, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of a substitute therefor; which was referred to the Committee on the Judiciary.